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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. FARENTHOLD).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 29, 2014.

I hereby appoint the Honorable BLAKE FARENTHOLD to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2014, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes, but in no event shall debate continue beyond 11:50 a.m.

AFGHANISTAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

Mr. JONES. Mr. Speaker, this past Friday was a monumental day in the House of Representatives as we finally had a debate on the merits of sending U.S. troops back into the conflict in Iraq.

Again, I thank the House leadership and the Foreign Affairs Committee leadership for working with Representatives MCGOVERN, LEE, and myself to bring H. Con. Res. 105 to the floor, and

I thank the 370 Members who voted in favor of this resolution.

H. Con. Res. 105 states very simply:

The President shall not deploy or maintain United States Armed Forces in a sustained combat role in Iraq without specific statutory authorization for such use enacted after the date of the adoption of this concurrent resolution.

Mr. Speaker, it is my hope that we will have other debates on the Constitution and the role of Congress in deploying our military, including a debate on repealing both the 2001 and 2002 AUMF.

There is no decision more important than a vote to commit a young man or woman to war to potentially give their life for our country. That is one reason that I am opposed to President Obama's decision to allow U.S. troops to remain in Afghanistan. While he says that we are withdrawing our troops, the fact remains that 32,800 members of the American military remain in harm's way in Afghanistan at this very moment.

We have all read and heard the reports from Special Inspector General for Afghanistan Reconstruction, John Sopko, which details rampant waste, fraud, and abuse of American resources.

We in Congress continue to propose cuts to domestic programs that assist our veterans, children, and senior citizens, yet there are no cuts to the money that is being funneled overseas to prop up a corrupt Afghan regime.

One would think that we would learn from history. No amount of blood or treasure will change Afghanistan. It is what it is, like it or not. It is what it is.

As I close, I want to mention three members of the Army who died on July 25 as a result of their service in Afghanistan. I also want to thank ABC News for faithfully honoring our fallen servicemembers. The names of the three fallen Army members are Staff

Sergeant Benjamin Prange, PFC Keith Williams, and PFC Donnell Hamilton.

Why, you may ask, do I continue to speak against the war in Afghanistan? Because American servicemembers are still dying.

Mr. Speaker, I have a poster beside me on the floor today that probably gives a better example of war than even I do with my words. It is a little girl holding the hand of her mom as the United States Army is getting ready to start the caisson. The little girl is wondering why her father is in the casket draped by an American flag.

These are the costs of war. We must always carefully consider where we are going to send our young men and women overseas to fight and give their life.

Mr. Speaker, with that, I will close by asking God to please bless our troops, God to please bless the families, and for God to continue to bless America.

SENATE TRANSPORTATION BILL

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, as early as this afternoon, the Senate debates transportation funding. It is not just about the money to stop the summer slowdown that is impacting projects and jobs all across America because we have not adequately funded our transportation needs. It is an opportunity to focus our response to the larger infrastructure crisis which is no longer just looming but is upon us.

America is literally falling apart. The American Society for Civil Engineers has famously rated our transportation with a D-plus, with an overall dismal scorecard for other infrastructure categories.

We can no longer afford to maintain our existing system in a state of good

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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repair. Eleven percent of our bridges are obsolete or functionally deficient. Ongoing operations, to say nothing of strategic new investments, are increasingly difficult.

This is sad because the Federal Government used to play an essential role for infrastructure throughout our history, from Benjamin Franklin's postal roads to Abraham Lincoln's transcontinental railroad to Dwight Eisenhower's interstate highway system. The ability to even imagine such accomplishments is increasingly a thing of the past. This means we are losing our competitive edge to be able to move goods efficiently. Our families are losing mobility.

Our low level of investment is being dwarfed by competitors overseas: Europe, India, Japan, and especially China.

Shanghai has 14 subway lines, a high-speed Maglev railway, two massive modern airports, 20 expressways, and a high-speed train leaving Shanghai every 3 minutes. China has spent 8½ percent of its gross domestic product for 20 years, while American investment has shrunk to 1.7 percent recently for a system that is variously rated 12th or 27th, depending on what you are looking at.

Is it any wonder that China's economy has expanded 700 percent in 20 years while America struggles to grow at 2 percent a year?

With such an overwhelming, well-established need, it is criminal that Congress is in the process of making a decision that will probably delay any meaningful opportunity to correct this situation in transportation funding for 3 years or longer.

Yes, it is essential that a financial transfer take place to the highway trust fund to stop the summer slowdown and give Congress a chance to work, but hopefully, only with enough money to work through this year. The Senate may well appropriate enough money, as the House did a couple of weeks ago, to slide into the next Congress with new committees, new leadership, perhaps, in the Senate. The situation will get no easier, no less complex, and no less expensive if this Congress abandons its responsibility.

This is a continuation of an unfortunate pattern since 2003, where a series of ever-shorter solutions and 21 temporary extensions have created near permanent uncertainty for communities who rely on the Federal partnership for the big picture, major repair, and new construction of roads, transit, and bridges.

The people who build, maintain, and depend on our transportation infrastructure are in the dark where they stand now, where they will be in 6 months, where they will be 2 years from now. It is absolutely unacceptable.

I will fight for this Congress to get on with its job now. If it means we have to work in October instead of campaigning, so be it. If it means we

have to come back after the election and work into the holidays, we should do so. Congress should not recess for vacation, for campaigning, or adjourn for the year unless it has met its responsibilities for a long overdue, 6-year, robust transportation bill provided with enough sustainable, dedicated funding to stop this chronic uncertainty.

The Senate will be debating limiting funding for this year or sliding into next. They will even debate Senator LEE's proposal to slash the Federal partnership and turn it back to the States as an unfunded mandate, eliminating the gas tax and, with it, any thoughtful, overall Federal transportation system.

These are the choices that really need to be drug out into the light. They need to be talked about in the open to find out what the public thinks, and then we make a decision, let them know, and move on. America deserves no less.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to refrain from trafficking the well while another Member is under recognition.

OBAMACARE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX. Mr. Speaker, the recent decision in *Halbig v. Burwell* held that ObamaCare "makes tax credits available . . . to individuals who purchase health insurance through . . . exchanges . . . established by the State."

Supporters of the law predictably decried judicial partisanship. They claimed the reasoning of the Court was spurious because it led to an absurd result which was not in line with the intended policy of the law.

Also recently, video surfaced of MIT health economist Jonathan Gruber, a prominent architect of and supporter of ObamaCare, clearly stating that States have an incentive to set up exchanges so that their citizens will have access to Federal subsidies. So much for the charge that the Court's reasoning led to an absurd result.

Mr. Speaker, it is quite obvious that someone at some point in the legislative drafting of ObamaCare thought using Federal subsidies as an incentive to get States to set up insurance exchanges was a good idea, and that was the view that was codified as law. But at a fundamental level, the issue here isn't the way the statute was written; it is the way the statute was passed. The extremely partisan nature of ObamaCare's passage has made the administration unwilling or unable to seek fixes via the normal legislative process because doing so would necessitate working across the aisle and compromising.

We all remember that ObamaCare was hastily passed after an election which cost the Democrats their supermajority in the Senate. They couldn't edit this law because the people of Massachusetts denied them that privilege. But that didn't stop Democrats from ramming this poorly drafted law through using some very questionable legislative tactics. Now they are asking the courts to let them make edits to the plain language of law without consulting Congress.

As this case moves forward on appeal, judges should ask themselves this question: Is it my role to shield the Democratic Party from the consequences of a republic form of government? I don't recall ever reading that particular clause in my copy of the Constitution.

THE LEGISLATURE'S JOB IS TO PASS LEGISLATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. QUIGLEY) for 5 minutes.

Mr. QUIGLEY. Mr. Speaker, as the House uses what little legislative time is left in the year to sue the President, I am reminded of what Benjamin Disraeli once said: "How much easier it is to be critical than to be correct." That is the reason why the American public thinks that the lawsuit against the President of the United States is a political stunt, because it is a political stunt.

The majority argues that the President's executive actions give them no choice but to sue the President; that it is the legislative branch's job to defend against the executive branch's supposed overreaches.

But I will tell you what the job of the legislature is. The job of the legislature is to pass legislation.

For 112 Congresses before this one, the fight over the separation of powers has endured, with each Congress before us using the powers allocated to it in our Constitution to pass legislation to counter the actions of the President.

□ 1015

It is not a unique idea: You don't like the job the President is doing? Well, then let's do our job. You don't like the President's policy? Well, then let's enact some policies of our own. Rather than litigating, we should be legislating.

My colleagues on the other side of the aisle have been so busy trying to prevent the President from doing his job, they have forgotten to do their own. For years, their number one legislative priority was making President Obama a one-term President, to discredit him, to delegitimize him. Time and time again, with every issue, from extending unemployment insurance to comprehensive immigration reform to climate change, to name a few, this Congress has punted the ball. Instead of finding the courage to tackle the tough issues the American people are

begging us to take on, we have retreated.

For many issues, we even refuse to allow a simple up-or-down vote on the floor. We are afraid that if we actually allowed a vote, we might actually pass something.

This Congress makes Truman's "do-nothing Congress" seem downright busy. No wonder why our approval numbers are so low. It is ironic that a Congress that refuses to get anything done has the audacity to accuse the President of getting too much done.

The President isn't taking our power away from us. We have abdicated it to him.

Since George Washington, our Presidents have used executive actions to get things done, yet the majority argues that this President is the exception to the rule. President Obama may be the exception, but not in the way that they think. Out of the last 10 Presidents, President Obama has signed the least number of executive orders, on average, per year. So far, the President has even signed half as many as President Reagan did.

Yet despite this, let's remember what the President has been able to accomplish over the last 6 years. President Obama brought our economy back from the brink of depression, lowering unemployment from 10 percent in 2009 to 6.1 percent today. We have had 52 straight months of private sector job growth, with the last month being the fifth month in a row of adding 200,000 jobs or more to the economy.

The President passed health care reform, achieving what every President since Teddy Roosevelt has tried and failed to do. Now millions of Americans who were previously barred from health insurance coverage because of preexisting conditions or because they simply could not afford it can access the care they desperately need.

And the President has taken unprecedented action to protect our environment. He has proposed the toughest fuel economy standards for passenger vehicles in U.S. history, put a plan in place to cut carbon pollution from new and existing power plants, and significantly increased production of renewable energy.

In 6 years, President Obama has accomplished more than many who have come before him, despite a do-nothing Congress whose stated mission has been obstruction.

Mr. Speaker, Malcolm X used to say that if you have no critics, you likely have no successes.

The intent of the majority's lawsuit may be to spotlight the President's critics, but I am confident that what it will actually do is prove his successes.

HELPING FAMILIES IN MENTAL HEALTH CRISIS ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. MURPHY) for 5 minutes.

Mr. MURPHY of Pennsylvania. Mr. Speaker, the Helping Families in Mental Health Crisis Act reforms our broken and harmful mental health system. Here are some reasons why we need it.

For some who are experiencing the most serious mental illnesses, like bipolar disorder or schizophrenia, they don't think their hallucinations are real; they know they are real. Their illness affects their brains in such a way that they are certain, beyond all doubt, their delusions are real. It is not an attitude or denial. It is a very real brain condition.

With that understanding, we are left with a series of questions: Do these individuals have a right to be sick, or do they have a right to treatment? Do they have a right to live as victims on the streets, or do they have a right to get better? Do they have a right to be disabled and unemployed, or do they have a right to recover and get back to work? I believe these individuals and their families have the right to heal and lead healthy lives.

But they are sometimes blinded by a symptom called anosognosia, a neurological condition of the frontal lobe which renders the individual incapable of understanding that they are ill.

Every single day, millions of families struggle to help a loved one with serious mental illness who won't seek treatment. Many knew that Aaron Alexis, James Holmes, Jared Loughner, Adam Lanza, and Elliot Rodgers needed help.

Their families tried, but the individual's illness caused them to believe nothing was wrong, and they fought against the help. These families watch their brother, their son, or their parent spiral downward in a system that, by design, only responds after crisis, not before or during. The loved one is more likely to end up in prison or living on the streets, where they suffer violence and victimization, or cycle in and out of the emergency room or commit suicide.

In a recent New York Times article about Rikers Island prison, they report that over an 11-month period last year, 129 inmates suffered injuries so serious that doctors at the jail's clinics were unable to treat them; 77 percent of those inmates had been previously diagnosed with mental illness.

Rikers now has as many people with mental illness as all 24 psychiatric hospitals in New York State combined, and they make up nearly 40 percent of the jail population, up from about 20 percent 8 years ago.

Inmates with mental illnesses commit two-thirds of the infractions in the jail, and they commit an overwhelming majority of assaults on jail staff members. Yet, by law, they cannot be medicated involuntarily at the jail, and hospitals often refuse to accept them unless they harm themselves or others.

Is that humane? Shouldn't we have acted before they committed a crime to compel them to get help?

According to the article, correctional facilities now hold 95 percent of all in-

stitutionalized people with mental illness. That is wrong. Yet with all we know about mental illness and the treatments to help those experiencing it, there are still organizations, federally funded with taxpayer dollars, that believe individuals who are too sick to seek treatment will be better off left alone than in inpatient or outpatient treatment. It is insensitive. It is callous. It is misguided. It is unethical. It is immoral. And Congress should not stand by as these organizations continue their abusive malpractice against the mentally ill.

The misguided ones are more comfortable allowing the mentally ill to live under bridges or behind dumpsters than getting the emergency help that they need in a psychiatric hospital or an outpatient clinic because they cling to their fears of the old asylums, as if medical science and the understanding of the brain has not advanced over the last 60 years.

We would never deny treatment to a stroke victim or a senior with Alzheimer's disease simply because he or she is unable to ask for care. Yet, in cases of serious brain disorders, like schizophrenia, this cruel conundrum prevents us from acting even when we know we must because the laws say we can't. We must change those misguided and harmful laws.

The system is the most difficult for those who have the greatest difficulty. Why are some more comfortable with prison or homelessness or unemployment, poverty, and a 25-year shorter life span?

I tell my colleagues: Do not turn a blind eye to those that need our help. The mentally ill can and will get better if Congress takes the right action.

Tomorrow, Representative EDDIE BERNICE JOHNSON of Texas and I will hold a briefing at 3 p.m. on the rights of the seriously mentally ill to get treatment. I hope my colleagues will attend and understand that we have to take mental illness out of the shadows by passing the Helping Families in Mental Health Crisis Act, H.R. 3717, because where there is no help, there is no hope.

HONORING TED RUBIN

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. LOWENTHAL) for 5 minutes.

Mr. LOWENTHAL. Mr. Speaker, I stand here today to honor the military service and the life of Tibor—known to us as Ted—Rubin, a Korean war veteran, a Holocaust survivor, and a prisoner of war survivor.

Mr. Rubin received the Congressional Medal of Honor in 2005, and he will be the guest of honor at a ceremony in the city of Garden Grove at their post office in Orange County, California, on August 8, 2014.

Ted was born on June 18, 1929, in Hungary. He spent 14 months in a concentration camp in Austria, which was

liberated by the United States Army. Inspired by the work of the United States Army who saved him, he enlisted and became a member of the U.S. Army's 8th Cavalry Regiment, 1st Cavalry Division, on February 13, 1950, and he was soon deployed to Korea.

Despite facing religious discrimination from his sergeant, who sent him on the most dangerous missions in South Korea's Pusan Perimeter and who withheld his commendation, he fought valiantly. Corporal Rubin enabled the complete withdrawal of his comrades by solely defending a hill under an overwhelming assault by North Korean troops.

He inflicted a staggering number of casualties on the attacking force during his personal 24-hour battle and helped capture several hundred North Korean soldiers. During a massive nighttime assault, he manned a .30-caliber machine gun and slowed the pace of the enemy advance.

On a later assignment, Corporal Rubin was severely wounded, and he was captured. He disregarded his own personal safety and immediately began sneaking out of the camp at night in search of food for his comrades.

Risking certain torture or death if he was caught, he provided food to the starving soldiers, and he provided desperately needed medical care for the wounded in the prisoner of war camp. He used improvised medical techniques to save his fellow soldiers and provided critical moral support. His brave, selfless efforts were directly attributed to saving the lives of as many as 40 of his fellow prisoners.

Corporal Rubin's gallant actions in close contact with the enemy and unyielding courage and bravery while a prisoner of war are in the highest traditions of military service and reflect great credit upon himself and the United States Army.

Corporal Rubin states: "I always wanted to become a citizen of the United States, and when I became a citizen, it was one of the happiest days in my life. I think about the United States, and I am a lucky person to live here. When I came to America, it was the first time I was free. It was one of the reasons I joined the U.S. Army, because I wanted to show my appreciation. It is the best country in the world, and I am part of it now. I do not have to worry about the gestapo knocking on my door tonight. I have shalom, peace. People die for it."

HAS LAST CHRISTIAN LEFT IRAQI CITY OF MOSUL AFTER 2,000 YEARS?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. WOLF) for 5 minutes.

Mr. WOLF. Mr. Speaker, I want to read the following piece that was posted on nbcnews.com yesterday. The headline was: "Has Last Christian Left Iraqi City of Mosul After 2,000 Years?"

Samer Kamil Yacub was alone when four Islamist militants carrying AK-47s arrived

at his front door and ordered him to leave the city. The 70-year-old Christian had failed to comply with a decree issued by the Islamic State of Iraq and Syria, ISIS.

Yacub's hometown of Mosul had boasted a Christian community for almost 2,000 years. But then the al Qaeda-inspired fighters who overran the city last month gave Christians an ultimatum. They could stay and pay a tax or convert to Islam—or be killed.

Yacub, 70, was one of the few Christians remaining beyond last Saturday's noon deadline. He may have even been the last to leave alive. "A fighter said, 'I have orders to kill you now,'" Yacub said just hours after the Sunni extremists tried to force their way into his home at 11 a.m. on Monday. "All of the people in my neighborhood were Muslim. They came to help me—about 20 people—at the door in front of my house. They tried to convince ISIS not to kill me."

The rebels spared Yacub but threw him out of the city where he had spent his entire life. They also took his Iraqi ID card before informing him that elderly women would be given his house.

Mr. Speaker, this is but one example of what is unfolding in Iraq right before our eyes. The end of Christianity, as we now know it, is taking place in Iraq. This is the fifth time I have come to the floor over the last week to try to raise awareness of what is happening, to talk about the genocide.

It is genocide that is taking place. Yes, genocide: the systematic extermination of a people of faith by violent extremists seizing power in a region. Churches and monasteries have been seized. Many of them have been burned down.

Last week, it was widely reported that ISIS had blown up the tomb of the prophet Jonah.

Christians, threatened with their lives if they do not leave the region, are being robbed as they leave a land they have lived on for more than 2,000 years.

With the exception of Israel, the Bible contains more references to the cities, regions, and nations of ancient Iraq than any other country. The patriarch Abraham lived in the city of Ur. Isaac's bride, Rebekah, came from northwest Iraq. Jacob spent 20 years in Iraq, and his sons—the 12 tribes of Israel—were born in northwest Iraq. The events of the book of Esther took place in Iraq, as did the account of Daniel in the lion's den.

Many of Iraq's Christians still speak Aramaic, the language of Jesus. The Pope has spoken out. His Beatitude Ignatius Ephrem Joseph III Younan, the overseer of Syriac Catholics around the globe, has spoken out.

□ 1030

His Grace Bishop Angaelos, general bishop of the Coptic Orthodox Church in the United Kingdom, has spoken out. Archbishop Justin Welby, the archbishop of Canterbury and leader of the world's 80 million Anglicans, has spoken out. Russell Moore, a key leader in the Southern Baptist Convention, has spoken out.

Despite these Christian leaders speaking out about the systematic ex-

termination of Christians in Iraq, the silence in this town, in Washington, is deafening. Does Washington even care? Where is the Obama administration? The President has failed. Where is the Congress? The Congress has failed.

Time is running out. The Christians and other religious minorities in Iraq are being targeted for extinction. They need our help. Literally, during our time, we will see the end of Christianity in the place it began.

INSTITUTIONAL LITIGATION IS UNPRECEDENTED

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. BUTTERFIELD) for 5 minutes.

Mr. BUTTERFIELD. Mr. Speaker, as many of my colleagues know, I spent 30 years in a courtroom, one-half of those as a judge, including 2 years on the North Carolina Supreme Court. I have taken particular interest in House Resolution 676, and I have spent considerable time researching the standing of the House to initiate litigation against a President or Department heads or Federal agencies to seek "appropriate relief for failure to act in a manner consistent with the duties of the executive branch."

Never before, Mr. Speaker, in the history of the Congress, has there been "institutional litigation" between two coequal branches of government—never. There have been prior cases involving individual Members of Congress who have alleged that their vote had been nullified by Presidential action, but none of them succeeded.

This bill will clearly authorize institutional litigation between the legislative and executive branches—unprecedented, Mr. Speaker.

The Republicans have chosen to proceed with a one-Chamber resolution. The Affordable Care Act, I remind you, was a two-Chamber enactment. The House, as an institution, as a subset of the Congress, Mr. Speaker, cannot by itself enforce a legislative enactment. It must be bicameral.

This misguided and politically-motivated resolution will establish a precedent that is unknown in our jurisprudence. It is an abuse of power on the part of House Republicans.

If this bill passes and this Republican-controlled House initiates a lawsuit without Senate authorization, it will threaten the separation of powers principle and the checks and balances that we have long cherished in our country.

I ask my colleagues: Do you want the judiciary to become the arbiter of disputes between the Congress and the President? Do you really want to cede to the courts the authority to resolve disputes between the branches?

If you set this precedent, then, in the future, the House or the Senate, acting alone, could simply allege a constitutional violation against the President and get its day in court.

Well, what happens if a President is unhappy with the House or with the Senate? Could she just allege a constitutional violation and have the courts settle the dispute? If this precedent is established, will the House be able to sue the Senate or the Senate sue the House? Where does this end?

I call on my Republican friends to talk to objective legal scholars and read the literature and prior court decisions, protect the integrity of our Federal system, and reject this resolution.

Finally, I ask the proponents of this legislation to tell me two things:

Tell me, what relief are you asking the court to impose? I suppose your answer would be, well, we want the court to tell President Obama that he lacked authority to extend the employer mandate.

Why are you upset about that? I thought you didn't like the employer mandate.

Well, tell me, how do you plan to pay for this frivolous litigation? Under this resolution, Mr. Speaker, the Speaker of the House will have unbridled discretion to pay legal costs and expert costs. I did not know that the House of Representatives has the authority to pass a bill that will require unbudgeted spending that will add to the deficit that you constantly bemoan. How much will this litigation cost the taxpayers?

Mr. Speaker, this is a very sad day in this House. I know what you are doing, and the American people know what you are doing. You are using this legislation in your constant effort to discredit President Obama and set the stage for a despicable impeachment proceeding should you hold the majority in the House and gain the majority in the Senate.

Shame on House Republicans. Shame on you for this type of politics.

The SPEAKER pro tempore. The Chair will remind the Members that remarks in debate must be addressed to the Chair and not to others in the second person.

HOUSE PASSAGE OF ENDANGERED SPECIES ACT BILLS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. THOMPSON) for 5 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, this week, the House will be advancing solutions to some significant issues that are facing this Nation.

Among those, I rise today to discuss one of those, a piece of legislation set for consideration by the House later this week, H.R. 4315, the Endangered Species Transparency and Reasonableness Act. It is a package of reform bills that will modernize and improve the Endangered Species Act.

In 1973, the Endangered Species Act was first enacted to protect and recover key domestic species that are under threat of distinction. Although

the ESA was written with the best of intentions, areas of the law hinder, rather than enhance, our ability to effectively manage ecosystems and conserve species as initially intended. Today, the law is failing, failing to achieve its primary purpose of species recovery and has only a 2 percent recovery rate.

In April, the House Natural Resources Committee advanced this package of bills through committee with support from both sides of the aisle.

As a member of the House Endangered Species Act Working Group, which developed the findings and recommendations for these proposals, I encourage my colleagues to support these reforms that promote greater transparency and accountability under the Endangered Species Act, while ensuring the ecological and economic needs of our local communities are being met.

HOUSE REPUBLICANS' SHAMEFUL DIVERSION TECHNIQUES

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. NADLER) for 5 minutes.

Mr. NADLER. Mr. Speaker, 6 years ago, President Obama and the Democratic Congress took office. When they took office in January of 2009, the economy was in free fall, and we were losing 800,000 jobs a month—losing 800,000 jobs a month, but the Congress went to work, and under the guidance of President Obama, we passed the American Recovery Act, we saved the American automobile industry, and within 14 months, we were gaining 250,000 jobs a month. We turned around over 1 million jobs a month, from losing 800,000 to gaining 250,000 in 14 months.

The President knew that that wasn't sufficient to continue the progress, so he proposed the American Jobs Act, and he proposed a major investment in American infrastructure. But the newly-elected Republican Congress—the obstructionist Republican Congress—stopped the American Jobs Act, wouldn't pass the infrastructure bill, and stopped every job initiative the President and Democrats proposed, and we have had a slow recovery from that recession.

We are gaining about 200,000 to 250,000 jobs a month. It is up a little, and that is good, but our economy is about \$2 trillion below its productive capacity, below what it should be because every proposal from the President has been stopped by the Republican Congress, which shouldn't have time for it, but they had time for other things.

We had plenty of time to take 50 votes on repealing the Affordable Care Act at a cost to the taxpayers of about \$79 million to repeat that vote 50 times. We had time for the Republicans to shut down the government. That cost the economy about \$24 billion.

We had time when the administration knew that the Defense of Marriage

Act could not be defended in court, the House of Representatives wasted \$3.5 million trying to defend the indefensible in court and lost in front of the Supreme Court. We have had, in that time, no minimum wage increase, no extended unemployment insurance, and no pay equity for women because it costs too much money. This House has passed \$850 billion in unpaid-for tax loopholes for large corporations—unpaid for.

Now, they want to waste more money. The Speaker wants to waste more money on a meritless lawsuit against the President for not taking care that the law be faithfully executed.

What did he do? In implementing the Affordable Care Act—which the Republicans have tried to repeal 50 times—he postponed implementation of one provision by a year—a provision the Republicans opposed, so they now want to waste money to go into court and sue the President to say he had no power to postpone this for a year, even though no one opposed President Bush when he postponed for a year a provision of the Medicare drug act when he was President.

It is well within the discretion of Presidents, in implementing a law, to postpone parts of it in order to get it done right. That has been very clear, and it becomes another question. Let's assume the Republicans went into court and overturned the standing question that Mr. BUTTERFIELD talked about—which they will not—what is the remedy they seek?

By the time it got to court, that provision will have been implemented, so the Republicans want to waste \$5 million or \$6 million of taxpayers' money to go into court and say, Judge, order the President to implement what has been already implemented—totally ridiculous.

So what have we got? We have got a Congress with no highway bill, no minimum wage bill, no unemployment extension bill, no pay equity for women bill, no action on campaign finance reform, no action to reduce the burdens of student loans, no action to make sure that women continue to have access to contraceptive services—despite the Supreme Court's Hobby Lobby decisions—no action on all the emergencies that face the American people, but we are going to waste money on a meritless lawsuit that will go nowhere, but simply will serve the single function of diverting attention from all the real problems the House Republicans want to continue to ignore.

That is not a proper use of the taxpayers' money, more wasted money for political purposes—for shame.

HONORING THE LIFE AND SERVICE OF WALDWICK, NEW JERSEY, POLICE OFFICER CHRISTOPHER GOODELL

The SPEAKER pro tempore. The Chair recognizes the gentleman from

New Jersey (Mr. GARRETT) for 5 minutes.

Mr. GARRETT. Mr. Speaker, I rise today to honor the life and service of Waldwick, New Jersey, Police Officer Christopher Goodell. Officer Goodell was killed in the line of duty on July 17, 2014, when a truck hit his police cruiser. He was just 32 years old.

Although Officer Goodell's life was tragically cut short, he lived a life of purpose, serving both his community and his country as well.

Officer Goodell was raised up in Waldwick and graduated from Waldwick High School, just back in the year 2000. Shortly after September 11, Officer Goodell enlisted in the U.S. Marines. Officer Goodell served in the military for 5 years, even including a tour of duty over in Iraq.

After his military service, Officer Goodell returned back to his hometown of Waldwick, New Jersey, and joined the Waldwick Police Department. He took a special interest, if you will, in discouraging teens from drinking and driving.

He spoke about the dangers of drunk driving back at Waldwick High School, and he also ran an annual DWI prevention course.

It was on June 11 of this year that Officer Goodell was recognized in the State by the State chapters of Mothers Against Drunk Driving, doing this for all of his good service.

Thinking about it, Officer Goodell truly had a bright future ahead of him. Just last month, he had proposed to his girlfriend, and they had plans to get married in 2016, but now, he is survived by his fiancée, a loving family, and an endless number of friends.

Officer Goodell was truly a hometown hero. He lived a life of purpose, and he died serving and protecting the community where he grew up. So I come here today and I ask my colleagues here in the House of Representatives to join me today in paying tribute to Officer Goodell.

We recognize, as we do this, that words alone may be of little comfort to the family and the friends of Christopher Goodell. It is my hope that they may find some solace, knowing that our thoughts and our prayers will be with them.

JOURNEYING THROUGH THE 23RD DISTRICT OF TEXAS, THE TOWN OF COTULLA

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. GALLEG0) for 5 minutes.

Mr. GALLEG0. Mr. Speaker, today, I would like to continue the journey through the vastness of the 23rd District of Texas and pass through a Texas town with an early reputation for infamy. "Cotulla! Everybody get your guns ready," that is what train conductors would yell as they approached the town of Cotulla, which was established in 1881.

In spite of its infamous start, Cotulla emerged from the roughness that is

common to early Texas towns and became an early indicator of the social change that was to come to America, taking on issues such as civil rights and women's education.

Life in Cotulla inspired a very young teacher, a man by the name of Lyndon B. Johnson, who went on to serve as our country's 36th President, and inspired him to lead the fight for change. President Johnson taught Mexican Americans in Cotulla's segregated public schools.

□ 1045

Early on, he understood how education could pull a family out of generations of poverty and push them into the middle class. LBJ, after his experience in Cotulla, once said:

This Nation could never rest while the door to knowledge remained closed to any American.

Education, the key that opens the locks of success, found an early ally in Cotulla. The town itself was founded by a young entrepreneur by the name of Joseph Cotulla, who was a Polish immigrant and a veteran of the Union Army. He was willing to take the risk of establishing a town after learning that the International-Great Northern Railroad intended to expand into La Salle County. This willingness to risk is still what makes our country great today.

The town grew from an early farming and ranching community into an energy boomtown in the 1950s. That still continues today in the Eagle Ford Shale area. Today, as in the past, the folks in Cotulla work to secure America's energy future, and by 2035, our energy deficit will be reduced to 4 percent.

Today, many of the descendants of Joseph Cotulla still live in the town. The town has seen tremendous change since its founding and its infamous early reputation. In truth, we find a small reflection of America in Cotulla: a willingness to overcome adversity and take risks to find success and to achieve. Cotulla's history also points out that the fabric of American society doesn't always match our founding values, but in Cotulla, it set in place a desire to change that.

I invite anyone who is visiting south Texas to stop by Cotulla, to learn its history, and to enjoy its hospitality.

PREVENTING EXPANSION OF DACA

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Tennessee (Mrs. BLACKBURN) for 5 minutes.

Mrs. BLACKBURN. Mr. Speaker, today I rise in support of a bill I introduced to prevent the expansion of the Deferred Action for Childhood Arrivals program that was unlawfully created by executive memo on August 15, 2012. H.R. 5160 is the House companion to legislation introduced by Senator TED CRUZ of Texas and would freeze DACA by defunding it.

DACA promotes amnesty by using prosecutorial discretion to allow illegal immigrant children and those who came here illegally as children a deportation deferral to remain in the country for up to 2 years. The deferral period is subject to renewal.

DACA also permits illegal aliens to obtain work authorization, despite the fact that they are not in the country legally. This takes jobs away from hardworking American taxpayers and hurts our economy. According to ICE, remittances from El Salvador, Guatemala, and Honduras are estimated to cost the U.S. taxpayer \$10 billion a year.

Last month, DHS Secretary Johnson announced that DACA would be extended and that those who have been protected from deportation would have a chance to renew their applications.

Democrats say that DACA is irrelevant because it only applies to illegal immigrants who have been here since 2007, but let me tell you why DACA reform does matter.

First, the administration will expand DACA. President Obama has instructed DHS Secretary Johnson and Attorney General Holder to come up with a list of executive actions to address immigration reform. DACA is going to be on that list.

Second, DACA has given Central American children false hope that they will be able to obtain amnesty as those before them have done.

DACA began in 2012, and the numbers tell the story. In fiscal year 2013, there was a 305 percent increase in the number of unaccompanied alien children that came to the U.S. That figure is expected to increase by 1,381 percent in fiscal year 2014. Yes, you heard me right: 305 percent in 2013; 1,381 percent in 2014. Those numbers are evidence of the correlation between DACA and the influx of unaccompanied alien children coming to the U.S.

Just recently, I learned that the administration secretly placed 760 unaccompanied alien children into Tennessee. This was done despite assurances I had received from the administration that alien children were not in Tennessee. Indeed, the administration appears extremely organized and eager when it comes to resettling the illegal immigrants in this country. I wish they were as eager and organized about addressing the concerns of our veterans, some who have died while on the VA waiting list.

Sadly, the President and the Democrats have moved from the party of "yes, we can" to the party of "because we can." DACA provides another example of how the President is using executive action to circumvent Congress.

Soon, if he continues on this path, we won't need legislators or the courts. The President will make the law, interpret the law, and then, if he chooses, enforce the law. The Obama doctrine of lawlessness is cracking the foundation of our democracy. It is shredding the Constitution and consolidating power within the executive branch.

Mr. Speaker, I ask, if the President has the power to tell illegal immigrants that they can stay in the country, does he have the power to tell legal citizens to leave the country? If the President can delay part of a law, does he have the power to delay the entire law? Where does his authority begin and end?

The President's immigration policies are causing every town to be a border town, every State to be a border State. And not only is it turning America into a country without borders, it is turning it into a country without laws.

Mr. Speaker, President Obama's inability to secure the southern border is also placing America's national security in a pre-9/11 posture. The Department of Homeland Security estimates that 90,166 unaccompanied children will arrive in the U.S. in 2014. If 90,000 unaccompanied children can sneak into our country, how difficult will it be for a terror cell to infiltrate America and plan an attack?

We need to be concerned about securing our borders. We must secure our border. We must end the cruelty of providing children with false hope, and we must stop the lawlessness of this President.

WHAT HAVE REPUBLICANS DONE FOR YOU LATELY?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. JOHNSON) for 5 minutes.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise this morning to talk about the issue of impeachment; and in connection with that topic, I would use as my text the song some of us may remember by Janet Jackson, "What Have You Done for Me Lately?"

That is what we should ask the House Republicans: What have you done for me lately?

Well, I will tell you what Congress has been doing. Congress has been wasting your time and your tax dollars. At a time when Congress should be working on the issues that matter most to the pockets and pocketbooks of America's citizens, instead we have, for the last 3 weeks, been wasting taxpayer time and money.

During that 3-week period, over \$800 billion in tax cuts have been awarded to the rich people of this country. And guess what. The Republicans have once again violated their own rule and failed to find an offset in the budget to pay for this gift to the wealthy. This means that Republicans have just added—just like that—almost \$1 trillion to the Nation's debt.

What have you done for me lately?

This session of Congress, the 113th Congress, which threatens to go down in history as the least productive Congress in the history of this great Nation, this Congress has produced a government shutdown, which cost the American people \$24-plus billion. And we have spent in this House of Representatives \$79-plus million shuffling

paper and voting 50 times to repeal the Affordable Care Act.

And how much is it going to cost the American taxpayers when the Republicans embark upon this effort to impeach President Obama? How much will it cost? Well, they won't let you know that. I will tell you, shutting down the government and repealing ObamaCare did not work, so we just wasted money. The Republicans came up empty-handed.

So what are they doing now? In fact, working people should ask their Representatives during this upcoming 5-week August recess which we have worked so hard to earn, you should ask your Representative: What have you done for me lately?

Congress has spent the last 3 weeks preparing to impeach President Obama. You see, over the past 3 weeks, the Republicans in the House have been talking up and taking legislative action, at the same time mounting a FOX TV and hate-radio campaign in support of their effort to file a lawsuit against the President of the United States. Now, is this lawsuit simply an attempt to mollify and pacify those Republicans who have turned up the volume on the drumbeat towards impeachment, or, more cynically, is this lawsuit a precursor to the filing of articles of impeachment so they can remove this twice-elected President from office prior to the end of his term?

Either way, it does not look good for America if, in November, voters put Republicans in control of both Houses of Congress. Just like the government shutdown, cooler heads will not prevail. TED CRUZ and the other Tea Party Republicans who were so willing to drive America off the fiscal cliff will not hesitate to do what has never been done throughout the course of our history, and that is to pull off a coup.

So the lawsuit against President Obama should be looked upon as being synonymous with impeachment.

FAILED ENERGY POLICIES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN) for 5 minutes.

Mr. DUNCAN of Tennessee. Mr. Speaker, President Obama told the San Francisco Chronicle editorial board in 2008, under his environmental policies "electricity rates would necessarily skyrocket."

To be even more specific, he said:

If somebody wants to build a coal-fired power plant, they can. It is just that it will bankrupt them. Under my plan, electricity rates would necessarily skyrocket.

Now listen to this story from The Washington Post just last week:

Pueblo, Colorado. Sharon Garcia is stumbling around her dining room in the dark, trying to find Post-it notes.

As she has for years, Garcia wants to affix the notes, marked with dollar signs, to light switches all around her house. The message to her five kids: light is expensive.

"Why do you need to turn the lights off?" she asks her son, Mariano.

"Because otherwise there's no money," he answers, dutifully.

"And when there's no money?"

"You can't feed us or take us anywhere."

Bingo, again.

□ 1100

I am still quoting from the Post story:

It's not just the light switches, though. Ever since her power was shut off in 2010, Garcia has adopted a Depression-era obsessiveness: she doesn't use the oven in the summer, because it heats up the house, and uses only one small air-conditioner. Even the aquarium goes dark when someone's not in the room.

And yet, no matter how much she rations and cuts, Garcia cannot keep ahead of the fast rise in rates. In Pueblo, the residential rate per kilowatt hour has risen 26 percent since 2010, and on a per-household basis, is now among the highest in the State.

But in Pueblo, it happened in a way that has left poor consumers gasping for relief.

To a wealthy community, skyrocketing electricity rates might not have much of an impact. When you have a decent-paying job, what's a few more dollars a month on your utility bill?

Pueblo is not that kind of place. With a poverty rate of 18.1 percent, incomes far below the State average, and a third of the population on some sort of public assistance, those few dollars can make a big difference here.

Now, I realize that almost all environmental radicals come from wealthy or upper-income families. Perhaps they just do not realize how harmful all these environmental rules and regulations and red tape are to poor and lower income people.

As Charles Lane, The Washington Post columnist, said, climate change is "a rich man's issue."

Perhaps it doesn't matter to wealthy environmentalists that all this environmental overkill has sent millions of good jobs to other countries over the last 40 or 50 years.

Now we have ended up with the best-educated waiters and waitresses in the world as millions of college graduates or very intelligent non-college graduates are having to work at jobs far below the levels of their education or below the level of their skills, talents, and abilities.

Perhaps it doesn't matter to rich or upper-income environmentalists if utility bills or prices for everything go way up, but it sure does matter to millions of people like Sharon Garcia.

Perhaps it doesn't matter to wealthy environmentalists that their policies over the years have driven very small- and medium-sized companies out of business.

Perhaps they are pleased that their policies have helped give job security to bureaucrats and have helped extremely big businesses and foreign energy producers.

This administration even had a Secretary of Energy until a few months ago who said we need to be paying the same price for gas as they do in Europe—\$8 or \$9 a gallon.

Then, of course, all the wealthy environmentalists would have to fight a

whole lot less traffic because they would be about the only ones who could afford to drive.

We have made tremendous progress over the past many years in cleaning our air and water. I have voted for many of these laws and voted many years ago for the toughest clean air law in the world.

But as Charles Krauthammer said: If we shut our whole country down, it would make almost no difference on carbon emissions because China and India together are opening coal-fired plants at rate of almost one per week, and Indonesia is the third-largest emitter.

Some environmental groups hate to admit how much progress we have made—how much cleaner our air and water are—because it would reduce their contributions. They have to keep telling people how bad everything is so their contributors will keep sending them money, especially money and contributions from foreign energy producers.

But we need to make people realize that only a prosperous country that allows free enterprise can generate the excess funds to do good things for the environment that everybody wants done.

Communist and socialist countries have been some of the biggest polluters in the world because their economies have been barely able to feed, clothe, and house their people. And certainly they have been unable to spend the kinds of money that it costs to help the environment.

We must not allow big government environmental regulators at both the Federal and State levels to cause our country to move so far to the left that it destroys our economy.

HOUSE REPUBLICAN SUBTERFUGE

The SPEAKER pro tempore. The Chair recognizes the gentleman from South Carolina (Mr. CLYBURN) for 5 minutes.

Mr. CLYBURN. Mr. Speaker, I rise this morning to denounce the unprecedented political attack House Republicans are bringing to the floor of this House. This week, this body will consider a measure to bring a lawsuit against the President of the United States for doing the job that the people of this country elected him to do.

This highly partisan lawsuit is a subterfuge. It is a subterfuge by House Republicans aimed at achieving their political goals that they were not able to achieve at the ballot box. Make no mistake about it. This is not a frivolous matter. Nothing could be more serious than House Republicans attempting to get the taxpayers of this country to finance their misuse and abuse of the legal system. The ultimate goal of this exercise is to try to discover some peg upon which they can hang an impeachment resolution.

This is very simple. Republicans could not defeat this President in back-

to-back elections, and now they are looking for other means to their ends. This wasteful Republican lawsuit is their prelude to impeachment. It is a vendetta, a direct attack on the heart of our democratic form of self-government launched by House Republicans who got over a million less votes from the American people in the last national elections than their Democratic counterparts. Nothing could be more serious.

This lawsuit is a measure by House Republicans to use taxpayer money to further their partisan attempts to besmirch and destroy a President they couldn't beat in the elections. It is unfair to the American people, it is undemocratic, it is un-American.

Mr. Speaker, the American people need to know what is going on here. Rather than focusing on creating jobs, fixing our broken immigration system, rebuilding our crumbling infrastructure, and other sensible measures that can help hardworking families struggling to make ends meet, House Republicans are obsessed with political gamesmanship on a historic scale. Nothing could be more serious.

LET'S NOT WASTE PRECIOUS TIME SUING THE PRESIDENT

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from New York (Ms. VELÁZQUEZ) for 5 minutes.

Ms. VELÁZQUEZ. Mr. Speaker, with 3 legislative days left before Congress leaves for a 5-week vacation, Democrats are working to advance the priorities of the American people: creating jobs, jump-starting the middle class, and working to reform our broken immigration system. The majority, however, seems only interested in advancing a lawsuit against the President of the United States.

Mr. Speaker, this is wrong, very wrong. Suing the President—for what, for doing his job? This is the first time in the history of our Nation that one branch of government is bringing a lawsuit against another branch of government. What an incredible way to uphold the separation of power among branches of government.

Mr. Speaker, the American people sent us here to tackle big problems and do real work on their behalf. This lawsuit is only further proof that House Republicans have lost touch with the American people.

Not only is this lawsuit a waste of time, but it is a serious waste of taxpayers' money. Just as House Republicans spent \$2.3 million defending discrimination during the DOMA case, and the \$3 million they are spending on the Select Committee on Benghazi, they are now poised to waste yet more money on a political stunt that is deeply unpopular with the American people.

Mr. Speaker, we have critical work to do. I strongly urge my colleagues to do what is right. We should stay here

in Washington to deal with issues like immigration reform, veterans' health care, and the economy. Let's not waste precious time and money on political stunts like suing the President. We owe it to the American people.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 10 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

Reverend Jeff Parish, First Baptist Church of Indian Rocks, Largo, Florida, offered the following prayer:

Lord, we come before You today and pray for our elected officials.

God, I pray for wisdom for them in areas that they need it and guidance to follow You, Lord, in all things.

God, we do pause today and ask You to use us as Your servants.

We realize our dependence on You and look to You for answers to the problems that face our country. I pray that the discussion and the decisions made in this Chamber today, God, will reflect Your heart and Your direction.

Lord, we pray in Jesus' name.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MESSER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Maryland (Mr. HARRIS) come forward and lead the House in the Pledge of Allegiance.

Mr. HARRIS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING REVEREND JEFF PARISH

The SPEAKER. Without objection, the gentleman from Florida is recognized for 1 minute.

There was no objection.

Mr. JOLLY. Mr. Speaker, I rise today to introduce to my colleagues and to this House our guest chaplain for the day, Pastor Jeff Parish.

Pastor Jeff serves as the senior pastor of First Baptist Church of Indian Rocks, Florida. Pastor Jeff first entered the ministry in 1986, sharing with others the message of Christian salvation and of the redeeming love and grace of the God in whom we put our trust, and counseling fellow believers along their personal faith journey.

Pastor Jeff is joined in his ministry by his wife, Martha, and by the congregation and community of believers at First Baptist Indian Rocks, a church family that, for 50 years, has shared its message of faith with the Pinellas County community but also in remote lands around the globe.

I welcome Pastor Jeff today, and I thank him personally for the ministry he leads every day that has had an impact on the life of this Member but, likewise, on many thousands of others he has touched during his career of service to our loving God.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MARCHANT). The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

ACA FAILURES

(Mr. HARRIS asked and was given permission to address the House for 1 minute.)

Mr. HARRIS. Mr. Speaker, over half of Americans view the President's health care law unfavorably, according to a new Rasmussen report. But this is no surprise. What started only as a failed Web site has turned into even more logistical failures: problems about applications, questions about subsidies, and lots of confusion.

But the policy behind ObamaCare is equally flawed. Premiums are rising. Americans are losing the coverage they liked. They are unable to see the doctors they were previously visiting. And they are finding that many of the services or drugs that they need are not covered. President Obama promised the opposite of this, and Americans should not be misled by their leaders.

House Republicans will continue to pursue patient-centered reforms so Americans can get the care they need and want, the care they were promised.

LAWSUIT AGAINST PRESIDENT OBAMA

(Mr. KILDEE asked and was given permission to address the House for 1 minute.)

Mr. KILDEE. Mr. Speaker, so there are just 3 legislative days left before we go on recess, and the most pressing issue that the House Republican leadership has decided that we need to devote our legislative time to is a resolution to sue the President of the United States.

Not to bring up a jobs bill, not to deal with comprehensive immigration reform, not to extend emergency unemployment benefits for the millions of people who have lost their benefits, but to debate a dangerous and unprecedented lawsuit with the House of Representatives suing the President. What is next—the Senate suing the House? I mean, this is really ridiculous.

And after all that is done, what we are going to do is recess for 5 weeks. Instead of taking up the issues that the people have sent us here to deal with, we are going to leave for 5 weeks after taking action—presumably, the majority will vote to sue the President of the United States.

It is a waste of our time. It is a horrible waste of money. It is unconscionable. We ought to stay here and do the work of the American people that we were sent here to do.

DEFENDING THE CONSTITUTION

(Mr. MESSER asked and was given permission to address the House for 1 minute.)

Mr. MESSER. Mr. Speaker, the President has taken the oath of office two times. Twice he has sworn to faithfully execute the laws. Twice he has sworn to protect and defend the Constitution. Yet he has unilaterally delayed the employer mandate of his own health care law twice. On topic after topic, this President has violated the law through overreaching executive action, often not even bothering to issue an executive order.

Our former constitutional law professor-turned President should know that it is Congress' job to make the laws, and it is his job to carry them out, not make them up.

That is why the House is asking the judicial branch to step in and referee this dispute. Champions of the President's choices today may regret when future Presidents are empowered to run roughshod over the people's representatives. Let's defend the Constitution and support the House lawsuit.

The SPEAKER pro tempore. Members are reminded to refrain from improper references toward the President.

RESOLUTION TO SUE THE PRESIDENT

(Mr. COURTNEY asked and was given permission to address the House for 1 minute.)

Mr. COURTNEY. Mr. Speaker, 9.5 million Americans are unemployed. America's roads and rails are crumbling. College graduates are saddled with \$1 trillion in debt that they can't refinance. Ukraine and the Middle East

are on fire. And what does the Speaker have lined up for us in the final 3 days before his 5-week recess for August? He wants us to pass a resolution to sue the President for actions he doesn't like. Mainstream legal experts have said repeatedly this lawsuit is both ludicrous and dangerous, but what it mostly is is wasteful.

The Speaker's shutdown cost the American economy \$24 billion. The 50 ACA repeal votes have cost \$79 million. The DOMA lawsuit lined pockets of lawyers at \$500 an hour, billable hours.

We should cancel the recess. We should go to work in terms of addressing the issues of jobs in this country. We should stop lining the pockets of politically connected lawyers. Let's stand up for the middle class. Let's fix America's infrastructure, and let's get this country moving again and skip the lawsuit.

HUMAN TRAFFICKING PRIORITIZATION ACT

(Mr. HULTGREN asked and was given permission to address the House for 1 minute.)

Mr. HULTGREN. Mr. Speaker, I rise today in support of the Human Trafficking Prioritization Act, H.R. 2283, and commend my friend and colleague from New Jersey, Representative CHRIS SMITH, for introducing it.

The State Department's Office to Monitor and Combat Trafficking in Persons, or J/TIP, does a fantastic job of maintaining U.S. leadership and accountability in the worldwide effort to combat human trafficking.

More than 130 countries have created or strengthened their antitrafficking laws largely due to J/TIP's work. Among other provisions, this bill raises the status of the J/TIP office to that of a bureau, preventing countries and other bureaus from gaming the tier ranking system. It also achieves this without any additional bureaucracy or cost to the taxpayers.

As a member of the Congressional Human Trafficking Task Force, working with the congressional leadership, J/TIP, and antitrafficking groups, I know it is crucial to keep this fight from being consumed in a bureaucratic shuffle.

I thank Congressman SMITH for his leadership and look forward to Senate passage of H.R. 2283.

HALTING THE GOP MARCH TOWARD IMPEACHMENT

(Mr. VEASEY asked and was given permission to address the House for 1 minute.)

Mr. VEASEY. Mr. Speaker, this week House Republicans will be considering a resolution that would authorize the Speaker of the House to sue President Obama. This lawsuit is frivolous. It is also wasteful and without merit.

We must focus on critical legislative priorities instead of political lawsuits that will do nothing but waste millions

of the taxpayers' dollars. There are critical issues that need action now. How about creating some jobs, raising the minimum wage, or maybe fixing our broken immigration system before we leave here?

I can tell you that the constituents in my district could use a raise in the minimum wage. There are also people out there that are hurting, that need their unemployment benefits extended.

This lawsuit disregards the priorities of the American people. I do not support this lawsuit. It is frivolous. And I suggest that we use our time to address critical issues that will positively impact Americans.

I will be voting "no" on this lawsuit and urge the House leadership to use their time wisely this week—like we are taught early in elementary school—to bring up bills that will put hardworking Americans back to work.

CONGRATULATING GENERAL WILLIAM L. SHELTON ON HIS RETIREMENT FROM THE AIR FORCE

(Mr. LAMBORN asked and was given permission to address the House for 1 minute.)

Mr. LAMBORN. Mr. Speaker, I rise today to recognize General William L. Shelton on the occasion of his retirement from the U.S. Air Force.

Over the course of his career, General Shelton has served with great distinction and made countless sacrifices for our country. We commend his service and the sacrifices of his wife, Linda, and their two children, Sara and Joel, in support of his service.

General Shelton has been a vigilant advocate for national security space programs. As the commander of Air Force Space Command, he was responsible for more than 40,000 military and civilian personnel who assure space and cyberspace protection for our Nation. He established an unmatched level of success during a time of increasing challenges. His frank and informed discussions on space systems have helped leaders and citizens around the world appreciate the value of our Nation's space capabilities.

General Shelton deserves our most heartfelt gratitude and praise. Thank you, General Shelton, and best wishes to you and your family.

PAYCHECK FAIRNESS ACT

(Ms. HAHN asked and was given permission to address the House for 1 minute.)

Ms. HAHN. Mr. Speaker, while the House Republicans are busy wasting taxpayer dollars on conspiracy theories and a lawsuit to nowhere, Democrats have unveiled an agenda to put working families and the middle class first.

For millions of Americans struggling to make ends meet on the current minimum wage, times have gotten harder and harder as the cost of living rises and wages stagnate. Our plan puts fam-

ilies first and expands opportunity for all Americans by fighting to create good-paying jobs here at home, supporting equality for women, both in their workplaces and in their doctors' offices, and creating a sustainable future for students by helping to slow down the ballooning costs of college.

Now is the time to empower our workforce by showing them that they can make ends meet and provide for their families by working hard. Now is the time to pass the Paycheck Fairness Act, to ensure that women finally receive equal pay for equal work. Now is not the time to be suing the President. Now is the time for action and dedication to making our country stronger.

□ 1215

DAY THREE, WASHINGTON UNDER SIEGE

(Mr. MASSIE asked and was given permission to address the House for 1 minute.)

Mr. MASSIE. Day three, Washington under siege—3 days ago, a Federal judge struck down D.C.'s unconstitutional ban on the right to bear arms. D.C. went from having the most restrictive gun laws in the country to having virtually no restrictions on carrying a handgun in public.

Did gun-toting tourists commence to shoot-outs? Did residents cower in their homes? Did vigilante posses maraud about the city? Did politicians revert to dueling at 10 paces? No, none of these things are happening. History will show the streets are safer today as more law-abiding residents and visitors are armed.

Contrary to apocryphal warnings from D.C. leaders, no one is panicked—except for the city's leaders. Why are the city's leaders apoplectic, and why are they asking for an immediate stay from the judge's ruling? Because the emperor has no clothes and all of the lies about gun control are being exposed right here in the District of Columbia on day three.

CORRECTING THE CRISIS AT THE VA

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Mr. Speaker, our Nation's obligation to our veterans should go far beyond simply thanking them for their service. We must also make sure that they are being properly cared for and supported when they return home. That is why I—like so many others—was outraged by the news that the VA health system had broken down.

I am pleased that the House and Senate leaders have come together and drafted legislation to address some of the most fundamental issues to this crisis, like access to timely medical care, upgraded facilities, and consequences for misconduct and poor performance.

Mr. Speaker, I am hopeful that future reforms to our VA medical system will include a unified electronic health records system between the VA and the Department of Defense. In today's hyperconnected world, we ought to be doing much better than shuffling large paper files between facilities.

Mr. Speaker, I call on my colleagues to put partisanship aside and take action to correct this crisis at the VA now.

CONGRATULATING MOOSE LODGE NO. 1568 IN ANGOLA, INDIANA

(Mr. STUTZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUTZMAN. Mr. Speaker, I rise today to recognize Moose Lodge No. 1568 in Angola, Indiana, for its 100th anniversary celebration.

Mr. Speaker, on August 26, 1914, the Loyal Order of Moose Supreme Council officially issued a charter for the Angola Lodge, and over the past 100 years, the lodge has grown in membership and has become a recognized service and volunteer organization in the Angola community.

Importantly, the organization's robust community service program has been engaged in countless humanitarian efforts through the lodge's own work, as well as annual donations to other community groups, health support organizations, and local services, such as food banks and homeless shelters.

In closing, Mr. Speaker, I would like to recognize, for the record, Mr. Ed Palmer, Angola Lodge's first governor.

In addition, I would like to recognize Tony Culver, Eric Henion, Ron Nusbaum, and Richard Gens for their recent leadership of the organization, as well as the rest of the Moose Lodge's membership as they begin their next 100 years of service to the Angola community.

Congratulations and happy 100th anniversary.

REPUBLICANS IGNORE AMERICA'S PROBLEMS

(Ms. TITUS asked and was given permission to address the House for 1 minute.)

Ms. TITUS. Mr. Speaker, in 2 days, we will go home, leaving behind a long list of unfinished business, but it is not for lack of trying on the part of Democrats.

We have introduced bills, signed discharge petitions, protested on the steps of the Capitol, and fasted on the Mall, all to try to prompt or at least shame the Republicans into some kind of action, but they are shameless.

Apparently, they just don't care. They don't care if women get paid less, as long as CEOs get record salaries. They don't care if children stack up at the border and families are divided, as long as they can sue the President.

They don't care if people struggle to get by on low wages or with no unemployment insurance, as long as corporations can keep their tax loopholes, and they don't care if the environment is raped, as long as big polluters can continue to circumvent regulations that protect our air and water.

Before we go home, we need to show the American people that Congress does care about them, and we need to pass important measures that jumpstart the middle class, so we can say we did something while we were here.

OBAMACARE PREMIUM HIKES ARE HURTING FAMILIES

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, the failing Affordable Care Act has proven not to be affordable for American families. Health care premiums have increased with confusing coverage destroying jobs.

When Stepheni from Monetta went to the doctor, she found her "copay for each therapy session is \$250. However, I can be an uninsured self-pay patient and get the same therapy for \$85 per visit."

Connie from Aiken says, "I was more than shocked to learn what used to be an \$89 prescription was now more than \$300."

America's devoted mothers know firsthand of the failure of ObamaCare. Small businesses are hiring more part-time workers than full-time workers because ObamaCare costs are too high. Longtime employees are having hours reduced, putting families at risk.

We must repeal and replace ObamaCare, so that people like Stepheni and Connie receive relief from unworkable mandates.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

Best wishes for continued success for Chad Sydnor, Military Legislative Assistant of the Second District, for continued service with Senator JOHN BOOZMAN of Arkansas.

LITIGATING THE EXECUTIVE BRANCH

(Ms. JACKSON LEE asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE. Mr. Speaker, often, the American people hear the term "Congress," but I think it is important to let all of my colleagues know and remind them what the Republicans will be doing over the next 48 hours.

It is important to know that there will be a resolution—a bill—on the floor of the House, H. Res. 676, and it says that they are looking for the power to intervene in one or more civil actions to file suit against the President, to seek any appropriate relief

against the President, the head of any department or agency, or any other officer or employee.

Let me be very clear. The Republicans are looking to sue the secretary who didn't order enough paper clips and indicate that we need to sue the President for not doing his job, while veterans are suffering and need a whole reformation and a new bill, while people are still not getting their unemployment insurance, while we are not able to expand Medicaid to help those who need health care, and while we are not raising the minimum wage.

Democrats want to work for the American people, but Republicans want to sue the secretary, meaning the secretary who orders paper clips, because the President is not doing his job. Let's work for the American people.

LET'S UNITE TO FIX THE VA

(Mr. YODER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YODER. Mr. Speaker, the Sunflower State has a long and proud history of Kansans answering a call of duty to serve their country. From pre-Civil War battles to keep Kansas a free State, to brothers joining arms to fight for democracy in wars around the globe, to today's battles fighting terrorism in remote and dangerous places, Kansans proudly step up to serve when asked, time and time again.

Kansas is now home to more than 220,000 veterans, courageous men and women who have honored our Nation by sacrificing and serving; yet, sadly, our Nation does not always honor them. I have been heartbroken to see how some of our veterans are treated when returning home from service.

Mr. Speaker, it is past time that Democrats and Republicans, House and Senate, unite on legislation that would fix the problems in the VA, that would give our veterans in long waiting lines options to receive quicker and better care when needed and legislation that would ensure that adequate resources are available to care for posttraumatic stress disorder and other injuries sustained in today's battles.

Mr. Speaker, our veterans have honored and fought for us. How about we, as a Congress, honor and fight for them.

PROVIDING FOR CONSIDERATION OF H.R. 4315, 21ST CENTURY ENDANGERED SPECIES TRANSPARENCY ACT

Mr. BISHOP of Utah. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 693 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 693

Resolved, That at any time after adoption of this resolution the Speaker may, pursuant

to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4315) to amend the Endangered Species Act of 1973 to require publication on the Internet of the basis for determinations that species are endangered species or threatened species, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and amendments specified in this resolution and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 113-55. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Utah is recognized for 1 hour.

Mr. BISHOP of Utah. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York by way of Kentucky, Ms. SLAUGHTER, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. BISHOP of Utah. I ask unanimous consent that all Members have 5 legislative days in which they may revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. BISHOP of Utah. Mr. Speaker, this resolution provides for a structured rule for the consideration of H.R. 4315, the Endangered Species Transparency and Reasonableness Act, and

makes in order four separate amendments for floor consideration.

In fact, this rule is generous in making all filed amendments which were germane and otherwise met the rules of the House in order. Only four were filed, and they are all made in order, so it is hard to see how anyone could vote against this resolution as not being fair.

The resolution also provides for 1 hour of general debate on the bill equally divided and controlled by the chairman and ranking minority member from the House Committee on Natural Resources.

Mr. Speaker, with that, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank my good friend from Utah (Mr. BISHOP) for yielding me the time. I yield myself such time as I may consume.

Mr. Speaker, the bill before us today is actually a package of four bills—H.R. 4315, H.R. 4316, H.R. 4317, and H.R. 4318—which aim to derail the Endangered Species Act.

The four bills are a product of the House Natural Resources Committee's Endangered Species Working Group, a committee working group which had not one Democrat Member on it, so that there was no bipartisan discussion. There is always room to discuss how we can improve legislation, but the negotiations should not be limited to backroom negotiations with a select few from a single party.

It is ironic the bill is entitled "21st Century Endangered Species Transparency Act" when the process to create the bill was anything but transparent. If the Endangered Species Act needs to be improved in order to better achieve the bill's purpose, then let's have a robust bipartisan conversation in an open forum, which is what we call the committee process.

Now, the package we are considering today, however, does not have any bipartisan support because it would create additional red tape that undermines essential protections provided for the Endangered Species Act.

The Endangered Species Act was passed over 40 years ago to protect imperiled animals and plants from extinction, and it is one of the most important tools we have to ensure our Nation's wildlife is protected for future generations.

These bills today do nothing to continue that wonderful background, and I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

I want to introduce you to an individual in history by the name of John Gochnaur. John Gochnaur was the shortstop for the Cleveland Indians in 1902 and in 1903. In 1902, he played the entire year, and his batting average was .185, as he committed also 48 errors, but was still good enough to be the shortstop in 1903 as well, where he completed a second season, once again

hitting .185, but this time committing a still record 98 errors as shortstop, which means one out of every five times he touched the ball, he threw it away.

□ 1230

John Gochnaur probably has the record now of being the most inept major league player we have ever had in history, never hitting above the Mendoza Line and setting the standard for errors. The worst major league player—which is still quite an achievement to be a major league player—but the worst major league player we have ever had in history hit .185. The Endangered Species Act batting average would be .010 if you round it up. They have had 1,500 species listed, only 12 have actually passed the test and been recovered, for an actual batting average of .008, or .010 if you really want to round up.

The Endangered Species Act, quite frankly, is the most ineffective and inefficient piece of legislation that we have in the history of this country. It does not work. It does not meet its goals. It never has and it never will. The sad part is, though, this act does not go into significant changes to the Endangered Species Act, which would change that batting average. Instead, Chairman HASTINGS has to be commended for getting a group of people to work together that did a study, got testimony, produced a report, and came up with the most basic of reforms that have to be necessary before anything significant can go on past that.

What these reforms are is simply saying, look, if you are going to have an Endangered Species Act, for heaven's sake, make sure that the data that is used to come up with the realization of the program you have is open to the people, it is transparent and it is public knowledge. They are paying for it. You might as well make sure that they have the opportunity to see it.

The President of the United States recognized this when he said in 2008:

Democracy requires accountability; accountability requires transparency.

And then he quoted Justice Brandeis, who said that "sunlight is said to be the best of disinfectants." That is the concept that is here. The data used to make these decisions should be available to the public, and presently, it is not.

One of the witnesses in the committee, when it was a full committee markup on this bill, was a long-time biologist by the name Mr. Ramey, who said:

What are the effects of this lack of transparency on the public when data are not possible or accessible? Legitimate scientific inquiry and debate is effectively eliminated, and no independent third party can produce the results. This action puts the basis of some ESA decisions outside the realm of science.

We have the issue that if there is data making these decisions, people should know about it. It should be

transparent. All of the data that they use to make these decisions should be transparent. That is not what is happening today.

In an exchange between the director of Fish and Wildlife and the ranking member, the ranking member asked:

Okay. But again, why would a scientist wish to withhold that data? I mean, if we gave them the public funds, I guess we could require they publish the data; right? I mean, we could change. We could put that into the language.

The Fish and Wildlife official said:

Congress could do that.

The ranking member said:

Okay. That might be something we would want to do. I don't understand why we would go down the path of withholding the data.

That is what this bill does. There are two elements to it. The most significant part is the first of transparency. If there is data that is going to be used, we need to make sure that we have access to that particular data.

This is a bill that was passed almost four decades ago. This is a bill the last time it was addressed I was still wearing saddleback jeans and platform shoes and my hair had color and it was parted down the middle and it covered more than just my ears. We haven't touched it since that time. They didn't have iPods back then the last time we touched it. It is a new era that requires new information and new data, and there is no reason that should be withheld from the American people, and that is what this bill tries to do.

I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I have no requests for time, and I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield 3 minutes to the gentleman from Montana (Mr. DAINES), who has had to live with the realities of the Endangered Species Act.

Mr. DAINES. Mr. Speaker, I want to thank the chairman for his leadership on this important issue. I rise in support of the rule and H.R. 4315, the 21st Century Endangered Species Transparency Act.

My home State of Montana is called the Treasure State, where we found settlers. In fact, my great-great-grandmother came out and homesteaded in Montana. They found productive ag lands. They found riches of minerals to sustain our industries among the many species that are important to our fishing and hunting heritage.

When the Endangered Species Act became law, Congress committed to helping to sustain our unique ecosystems and our way of life. However, too often ESA decisions are not based on sound science and it is about political science, unfortunately, and the law results in encouraging habitual litigation. The result has been fewer jobs and deteriorating forest health. And, as Mr. BISHOP mentioned, the species aren't actually recovering with a batting average of .008. Frankly, the Endangered Species Act is like a 40-year-old ranch pickup: it once served a useful purpose but is in bad need of repair.

By increasing transparency—and this is about repairing the Endangered Species Act, bringing it forward to the 21st century so it actually delivers the outcomes we all desire, and that is recovering the species versus just listing them. H.R. 4315 begins an important process toward modernizing this well-intentioned but out-of-balance and out-of-date law. I urge the House and Senate to pass it.

Ms. SLAUGHTER. I continue to reserve the balance of my time.

Mr. BISHOP of Utah. I yield 5 minutes to the gentleman from Georgia (Mr. COLLINS) because he also is faced with the unique situation, because this is not just a Western issue. This is an issue that affects all of us.

Mr. COLLINS of Georgia. Mr. Speaker, as we come here today, one of the things that strikes me—and, of course, I support the rule and the underlying bill, H.R. 4315, because it really strikes a balance and, as part of the working group that has been meeting under Chairman HASTINGS and others, including Mr. BISHOP, dealing with this, as my friend from Utah said, it is an issue that has not been touched in many, many years. There is nothing that really, from our perspective of government, should not be looked at every once in awhile, and especially when you get things such as the Endangered Species Act, which has grown and multiplied and just really expanded to where not only does it affect Western States, but it affects States like Georgia.

To come to the floor today to take issue with a bill that simply permits the concept—and my friend from Utah said we could have actually gone after a lot more than this. We could have taken on the Endangered Species than this. We could have taken on the Endangered Species Act and said: Let's make it better for the 21st century. Instead, we went to targeted reform, targeted aspects of it. We said: Let's look at transparency. Let's look at capping attorneys' fees. Instead of paying pockets of attorneys, it is okay to still sue. We are saying it is okay if you want to sue, but we are not going to pay unlimited amounts just so you can sue for maybe dubious data or devious wins. This is an issue of transparency.

Wouldn't we want to put that money into protecting actual endangered species? Is that not what the Endangered Species Act is about? Is it actually protecting endangered species?

The problem with the Endangered Species Act, however, is that it has expanded to where now the Endangered Species is jobs. It is people. It is the people who are affected by the Endangered Species Act, and all we are saying is let's shine a little light on it. That is a song from back when the ESA was first passed. Let's shine a light. "This little light of mine, I'm gonna let it shine." Well, let's shine a little bit of light on this as we go forward.

A "no" vote on this legislation to me is simply a "no" vote, whether it is the rule or the bill. It is a "no" vote for

the status quo. If there is anything that this country is screaming, whether it is Republican or Democrat, they are tired of the status quo, and especially in something like this, because when they hear about it, they don't understand it.

I am going to tell a little story that comes from Georgia, and it involves the Indiana bat. The Indiana bat is on the endangered species list. A few years ago—oh, oh, be quiet. A few years ago, a transmitter went off. It was a little beep. Oh, oh. You might hear it on your phone. It was a beep in southern Tennessee. It only went off one time from everything that we can gather, but that transponder hit said the Indiana bat is moving south.

Well, we expanded the net and said nothing north of Atlanta. All of a sudden we have to start checking for the Indiana bat. We checked. We have looked. I have it on my phone here. I brought one to the floor today. I have a compass. I have a map. I asked this before and nobody stepped forward, but I will take my compass. I will take my map, and if you help me, come to northeast Georgia and find the Indiana bat, there is probably a prize. I will take you to the Waffle House and buy you whatever you want, because so far it hasn't been found. In fact, the last time the Indiana bat was actually seen in Georgia was in Athens in the 1940s.

Now, Athens is home to a wonderful, fine, upstanding institution called the University of Georgia. Go Dawgs. But it was probably found or seen maybe after one of the celebrations of our great victories on Saturday on the gridiron when everyone is partying, and they may have seen the Indiana bat and said, "There's the bat," but we haven't seen it since.

So I am not sure what we are looking for, but I tell you what we are doing. We are paying almost \$100,000 on every road project over and above the cost for hard-earned taxpayer dollars on the Federal and State level looking for a bat that may have existed in a fraternity party in Athens 45, 50, 60 years ago because nobody knows. But it came because, listen—those in the gallery, those watching on TV, listen—the transponder may go off, and we may just block off all kinds of areas and say "pay more" because the transponder went off.

Now, many times our friends across the aisle say we on our side, we just want business and we don't care about endangered species, we don't care about the environment. There is no other Republican, and when you come to the Ninth District of Georgia—and I know my friend from Colorado feels that his State is beautiful, and it is. It is great. But the Ninth District of Georgia is pretty nice, too. And I want clean water and I want good roads. I want the things that matter because the environment in north Georgia is great. But what I do not want is an overreaching regulation that is not addressed when we are simply asking for

transparency. We are simply asking for transparency. When you are asking for transparency, my question not only is where is the bat, but where is the problem. Where is the bat? Where is the problem?

The problem with this bill is nothing. The problem with this bill is it begins to shine light on the things that need shining light on. Disinfectant, I am not sure what we are doing here because right now there is no disinfectant. We need transparency to shine a light. "This little light of mine, I'm gonna let it shine." I am going to let it shine on something that protects taxpayer dollars, that protects transparency and does the things that it is supposed to do.

And by the way, if you happen to be coming by, the problem with this is simply transparency. It protects taxpayer dollars and protects endangered species by using the latest in science and being open to the public.

□ 1245

But let me ask all who may be watching: if you are driving through the great State of Georgia, if you are in north Georgia in the Ninth District, I have got a lot of places for you to come, but when you get there bring your binoculars, bring your compass, bring a map, and if you find the bat I will see you at the Waffle House.

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair and to refrain from addressing occupants of the gallery.

Without objection, the gentleman from Colorado will control the time.

There was no objection.

Mr. POLIS. Mr. Speaker, I yield myself such time as I may consume.

To be clear, the goal of the Endangered Species Act doesn't exist just to get species off the list, it exists to keep species on the planet, and has a tremendous track record of success—99 percent effective at preventing the extinction of species that have been listed on the endangered species list.

There is strong precedent in passing bipartisan Endangered Species Act measures. Last Congress, I was very proud to be an original cosponsor of Mr. BISHOP's Endangered Fish Recovery Programs Extension Act, which became law in January of 2013. The Endangered Fish Recovery Programs Extension Act facilitated the recovery of four endangered species native to the Upper Colorado River Basin. The bill ensures compliance with the Endangered Species Act for over 200 projects that use water from the Colorado River and provided enough water for agricultural and municipal water use as well.

I salute Representative BISHOP's efforts to pull together a bipartisan group from Utah, Colorado, New Mexico, and Wyoming to work together on that successful modification to the Endangered Species Act.

What we have before us today is not an example of that same bipartisan spirit and open process of work that

can build upon, rather than take a step back from, protecting species that are an important part of our ecosystem.

This bill in its current form would not only waste taxpayer dollars and Federal Government agency time by creating additional red tape and bureaucracy, but it is also a waste of our limited remaining time in session. Here we are, Mr. Speaker, with a border crisis, crises breaking out across the Middle East, and yet we are debating a particular change to the Endangered Species Act, which, regardless of its merits, is simply not one of the top two issues, five issues, 10 issues, even top 100 issues that I have heard from my constituents about over the last year.

People wonder why this legislative body is as unpopular as we are, with an approval rating of 12 percent. One need look no further than what we are working on. Rather than addressing the budget deficit or restoring fiscal stability to our country, rather than securing the border and passing comprehensive immigration reform, we are instead discussing a bill that weakens the Endangered Species Act. And regardless of whether Members want to strengthen it or weaken it or modify it—Americans care about jobs, the economy, fiscal responsibility, addressing our border crisis—having problems with the Endangered Species Act is simply not on the minds of most everyday American families. I think most American families think the Endangered Species Act is a fine thing, maybe they think it should move this way or that way or be better or stronger or weaker, but that is not the issue that they want us addressing with our limited time in session.

This is our last week in session in the month of July. In the month of August, this esteemed body won't even meet once. In September, we will come back for 2 or 3 weeks. I don't know—are we going to be discussing endangered species for those 2 or 3 weeks as well?

It kind of reminds me of the historical precedent of Emperor Nero fiddling while Rome burned. Here we are in record deficits, war and threatened wars are enveloping the Middle East with the Islamic state and ISIS occupying much of Syria and Iraq, with the uncertainty in eastern Ukraine and separatists engaged in battle, with the precarious recovery of the economy, with things getting harder and harder for middle class American families to get by and support themselves and their family, and here we are with only 3 days left in session before September discussing relatively minor changes that add another bureaucratic layer of red tape to the Endangered Species Act. It is simply not what the people in my district hired me to fight for them on, and I don't think it is what the people in this country want Congress to do at this point.

There are so many issues that the American people, the people who sent us here to represent them, agree on, where there is common ground.

One example is immigration reform. Polls have shown that 87 percent of Americans support comprehensive immigration reform. Perhaps we found that last 13 percent of people who approve of Congress, maybe it is those same people who don't want to see immigration reform. The only people left who approve of these obstructionist tactics with regard to immigration reform, the tactics which are tearing families apart, hurting our economy, bloating our deficit, and preventing us from securing our border, are an ever-dwindling percentage of Americans.

Now that we are dealing with this Endangered Species Act, I hope that we can get back to addressing immigration reform. Let us have a vote on comprehensive immigration reform, a vote on raising the minimum wage, a vote on a comprehensive plan to balance the budget. Let's have a real debate and exchange real ideas to move our Nation forward.

There are a number of flaws in this modification of the Endangered Species Act which prevent it from being a true piece of bipartisan legislation with wide support from this body, like I had the opportunity to work on with Mr. BISHOP last session. But I think even more importantly, Mr. Speaker, we just need to ask ourselves why, with days left before Congress adjourns for the summer, are we considering a topic that, while surely worthy of debate, hardly raises to the level of these pressing issues, like our budget deficit, the border crisis, or the Middle East, in which I hope that this body can have a substantive debate around resolving?

While we are here debating a partisan, politically charged bill that threatens to undermine the Endangered Species Act, 32 wildfires larger than 5,000 acres are burning in seven Western States. My district had several last summer, and we are worried about this summer. These fires cover a total of 1.4 million acres and are a serious threat to homes, lives, livelihoods, and health.

If we defeat the previous question, I will offer an amendment to the rule to bring up the Wildfire Disaster Funding Act of 2014. Already 196 Members have signed a discharge petition to bring this legislation to the floor of the House.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. Mr. Speaker, I cannot support this rule or the underlying bill.

The Republicans are committed to partisan politics over progress for our country, and this bill is yet another example of that agenda.

In the last 3 days of legislative business before a summer recess of 1½ months, House Republicans are using

this valuable time in the people's Chamber to simply pass a bill that obstructs the Endangered Species Act rather than deals with any of the critical issues facing our country.

Congress should be considering legislation to secure the border or deal with the crisis of unaccompanied minors on our southern border, to balance our budget, to reform our broken immigration system, to deal with wildfires, to raise the minimum wage, to protect workers. But instead, here we are debating partisan changes to a piece of legislation that has, frankly, served us well and our ecosystems well over the prior decades.

We do have an emergency on our southern border with regard to unaccompanied minors from El Salvador, Honduras, and Guatemala. We need to have a comprehensive strategy to deal with that and make sure that we are not overwhelmed by people from other countries.

Before we adjourn for recess, Congress could and should address immigration reform. The American people want us to pass bipartisan immigration reform. The bill passed the Senate with over two-thirds majority. That is very rare. Democrats and Republicans came together to pass a commonsense immigration reform bill that more than 80 percent of the American people support, and more than two-thirds of the Senate support it.

If we can schedule that bill for a vote this week, I am confident it would pass right here on the floor of the House of Representatives. We have a bipartisan House bill, H.R. 15, that is ready to come to the floor and be voted on, and I believe it would pass.

I am honored to be a sponsor of H.R. 15, the bipartisan immigration reform bill. The bill would create jobs here, reduce our budget deficit, ensure America is more competitive in the global economy, unite families, and secure our borders. Just as importantly, it will make sure that our immigration system reflects our values as Americans, a Nation of laws and a Nation of immigrants.

House Republicans have refused to allow a vote on immigration reform and it failed to bring forth a single bill to help improve our broken immigration system or our dire crisis at the border. Instead, we are left with time that we could use to debate minute changes that add bureaucracy and red tape to an already encumbered Endangered Species Act.

Mr. Speaker, I urge my colleagues to vote "no" and defeat the previous question so that we can discuss the Wildfire Disaster Funding Act of 2014. It is so important to my home State and so many others in the West and Mountain West.

I also will oppose the rule and the underlying bill and encourage my colleagues to do the same.

I yield back the balance of my time. Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to talk about the Endangered Species Act here because we need to make sure that the purpose of the Endangered Species Act is not to make sure that the government is always funding the listing and the maintenance of these species, but to make sure that they are healthy enough so that the government doesn't have to do that, in which case, I am sorry, the batting average is still .008. The Endangered Species Act is failing in that effort.

The methods don't work. But we are not discussing the methods here today. We are discussing something that is simply a commonsense solution to how we move forward with the Endangered Species Act.

The Governors understand that as well. I received a letter from the Western Governors' Association, signed by the Governor from Nevada, as well as the Governor from my friend's home State of Colorado, urging us to have transparency in this action, transparency in the Endangered Species Act. It is important that we simply know what is or is not taking place.

The Endangered Species Act, unfortunately, has an impact on real people. It is a regulatory taking by the Federal Government. It impacts real people's ability to use their property, it impacts real people's ability to have jobs and maintain them. To say that talking about this impact on these people is not good enough, that this is not a high enough version, this is not raising to the level, we don't care enough about these people who are impacted by that act, is something we in Congress should never say. It is significant, it is important, and to make commonsense improvements to the Endangered Species Act should be the goal.

Let me explain a couple of different areas in which these reforms are going to be significant and important.

The first one is this tries to cap the amount of money we spend wasted on litigation costs that should be actually going to the enforcement of the Endangered Species Act and recovery of these species. This act tries to set a limit on what an attorney can get for engaging in a petition against the government for the Endangered Species Act. It is mind-boggling to me that in most of the agencies of the government we put caps on what can be obtained in attorney fees who sue the government, but we don't in the Endangered Species Act.

So in San Diego, the Jonas Salk Elementary School was postponed indefinitely. The firm that actually did that postponement so the kids didn't have their school charged the Federal Government six figures, and I promise you the first number in that six figures was not 1.

In the Clinton administration, they were averaging 20 petitions a year on this act. Today, we are averaging 1,200 petitions a year. So obviously, we have a problem, as no one has a total con-

cept of what the total cost of this litigation is or how many full-time employees we are using simply for this litigation, although we do know that the Fish and Wildlife Service allotted in 2013 \$21 million and 86 full-time employees just to handling the issue of litigation.

The Ag Department has told us that the litigation cost was the third-largest cost that they were running at that time. We don't have that data. We need to have that particular data, and we also need to put in caps so we are not wasting our money on litigation, we are putting the money in the program where it should be.

That is a significant commonsense element of this particular bill. But the most significant commonsense element is simply saying people should know what data is being used to reach the decisions. The bill itself says the Federal Government shall cooperate—shall cooperate—to the maximum extent practical with the States. That simply is not being done.

Let me give you a couple of examples.

First of all, the dunes sagebrush lizard—a wonderful little lizard, Mr. Speaker, in your home State of Texas—that is trying to be listed by the Federal Government, they were using data from the 1960s, determined that they were locally extinct, the lizard was locally extinct in an area where it flat-out was not extinct. Had they gone through with this listing, 47,000 jobs in this district in Texas would have been impacted by this particular listing, and the data was inaccurate.

The Governor of Idaho asked for a FOIA request dealing with the sagebrush. He got back the emails in the FOIA request, and to summarize those emails that dealt with the national technical team report, the emails basically said: This is our approach—does anyone out there have any kind of data we can use? And if there was no data, then their next step was to use the best guess of the elements of the members who were actually working in that particular department.

That is not the way you make decisions. You collect the data first, make it public, let people know about it, then you create the decisions on where you want it to go. In Colorado, Garfield County, Colorado, actually had to go to court to try to get the department to give them the data they were using for the decisions they were going to try to use on the endangered species in that county, and that simply is not an example of how you cooperate to the maximum extent possible with the States.

We have an issue with prairie dogs in southern Utah. The problem is the Federal Government only counts prairie dogs on Federal lands to determine if they are a viable species or not. Prairie dogs are very abundant on private lands and State lands, to the point that you can actually get a permit to hunt them on private lands. Notwith-

standing the fact that there is an abundance of prairie dogs, the rural electric co-op down there had to spend \$150,000 to airlift transmission lines to build a transmission line so they went over Federal habitat for prairie dogs, even though other people hunting prairie dogs happened to be on the private property.

This is silly, this is unrealistic, this should not take place if we were actually having a commonsense approach to it.

The bladderpod up in Franklin County, Washington, was threatened to be listed on the endangered species. A local university came up with its own study that proved the DNA of this bladderpod was no different than another flower that was not endangered in that area.

□ 1300

Nonetheless, the Fish and Wildlife Service rejected that particular piece of data. They ignored it. They said it wasn't peer-reviewed, but the sad part is that they ultimately refused to tell us the data that they were using to reach their own decision. Even when that data was subpoenaed, they refused to comply with that particular subpoena.

We simply have a problem here, in that decisions are being made on the Endangered Species Act without having public access to the data being used to make those decisions, and that is wrong.

That is not the way you run a government. That is not the way transparency has to be. The people of the United States are paying for all this data. They have a right to see what it is. They have a right to look at it. They have a right to question it.

All this bill does is simply make the data that is being used public—so people know exactly what you are making those decisions on—and try to limit the amount that we are spending on needless litigation, so you put some kind of caps on them. That is the first step.

Does that solve all the problems of the ESA? Of course not, but it is the first and most important step. This is a commonsense approach that is rational. It is where we need to go. If we can't get this done, no other reforms of a system that is failing can possibly take place.

I urge adoption of this bill. I support the underlying bill. I urge the adoption of the rule that would do it.

Mr. Speaker, in closing, I want to reiterate this is a fair rule, and it is appropriate to the underlying piece of legislation.

The material previously referred to by Mr. POLIS is as follows:

AN AMENDMENT TO H. RES. 693 OFFERED BY
MR. POLIS OF COLORADO

At the end of the resolution, add the following new sections:

SEC. 2. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House

resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3992) to provide for wildfire suppression operations, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided among and controlled by the chair and ranking minority member of the Committee on the Budget, the chair and ranking minority member of the Committee on Agriculture, and the chair and ranking minority member of the Committee on Natural Resources. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 3. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 3992.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

The Republican majority may say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member con-

trolling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan

Mr. BISHOP of Utah. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. POLIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 224, nays 192, not voting 16, as follows:

[Roll No. 458]

YEAS—224

Aderholt
Amash
Amodei
Bachmann
Bachus
Barletta
Barr
Barton
Benishak
Bentivolio
Bilirakis
Bishop (UT)
Black
Blackburn
Boustany
Bridenstine
Brooks (AL)
Brooks (IN)
Broun (GA)
Buchanan
Buchson
Burgess
Byrne
Calvert
Camp
Campbell
Cantor
Capito
Carter
Chabot
Chaffetz
Clawson (FL)
Coble
Coffman
Cole
Collins (GA)
Collins (NY)
Conaway
Cook
Cotton
Cramer
Crawford
Crenshaw
Culberson
Daines
Davis, Rodney
Denham
Dent
DeSantis
Diaz-Balart
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry

Foxx
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Griffin (AR)
Griffith (VA)
Grimm
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck (NV)
Hensarling
Herrera Beutler
Holding
Hudson
Huelskamp

Huizenga (MI)
Hultgren
Hunter
Hurt
Jenkins
Johnson (OH)
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Kelly (PA)
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
LaMalfa
Lamborn
Lance
Lankford
Latham
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Marchant
Marino
Massie
McAllister
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McKinley
McMorris
Rodgers
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Olson
Palazzo
Paulsen
Pearce
Perry
Petri
Pittenger
Poe (TX)
Posey
Price (GA)
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross
Rothfus
Royce
Runyan
Ryan (WI)
Salmon
Sanford
Scalise

Schock
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stewart
Stivers
Stockman
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walorski
Weber (TX)
Webster (FL)
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IN)

NAYS—192

Barber
Barrow (GA)
Bass
Beatty
Becerra
Bera (CA)
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Castor (FL)
Castro (TX)
Chu
Cicilline
Clark (MA)
Clarke (NY)
Clay
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Deutch
Dingell
Doggett
Doyle
Duckworth
Edwards
Ellison
Engel
Enyart
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Garcia
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings (FL)
Heck (WA)
Higgins
Himes
Holt
Honda
Horsford
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis
Lipinski
Loebach
Lofgren
Lowenthal
Lowe
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maffei
Maloney,
Carolyn
Maloney, Sean
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Meng
Michaud
Miller, George
Moore
Moran
Murphy (FL)
Nadler
Napolitano
Neal
Negrete McLeod
Nolan
O'Rourke
Owens
Pallone
Pascarella
Pastor (AZ)
Payne
Pelosi
Peters (CA)
Peters (MI)
Peterson
Pingree (ME)
Pocan
Polis
Price (NC)
Quigley
Rahall
Rangel
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes

Schakowsky
Schiff
Schneider
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires

Slaughter
Smith (WA)
Speler
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Vargas

Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters
Waxman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—16

Brady (TX)
Carson (IN)
Cartwright
Cassidy
Cleaver
DesJarlais

Graves (MO)
Hanabusa
Hinojosa
Issa
Miller, Gary
Nunnelee

Perlmutter
Pitts
Pompeo
Ryan (OH)

□ 1331

Messrs. GRIJALVA, CONYERS, and GARCIA changed their vote from “yea” to “nay.”

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. HINOJOSA. Mr. Speaker, on rollcall No. 458, had I been present, I would have voted “no.”

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. POLIS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 225, noes 192, not voting 15, as follows:

[Roll No. 459]

AYES—225

Aderholt
Amash
Amodei
Bachmann
Bachus
Barletta
Barr
Benishek
Bentivolio
Bilirakis
Bishop (UT)
Black
Blackburn
Boustany
Bridenstine
Brooks (AL)
Brooks (IN)
Broun (GA)
Buchanan
Bucshon
Burgess
Byrne
Calvert
Camp
Campbell
Cantor
Capito
Carter
Chabot
Chaffetz
Clawson (FL)
Coble
Coffman
Cole
Collins (GA)
Collins (NY)
Conaway
Cook
Costa
Cotton
Cramer

Crawford
Crenshaw
Culberson
Daines
Davis, Rodney
Denham
Dent
DeSantis
Diaz-Balart
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Fox
Franks (AZ)
Frelinghuysen
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Griffin (AR)
Griffith (VA)
Grimm
Guthrie

Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck (NV)
Hensarling
Herrera Beutler
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Jenkins
Johnson (OH)
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Kelly (PA)
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
LaMalfa
Lamborn
Lance
Lankford
Latham
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis

Marchant
Marino
Massie
McAllister
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McKinley
McMorris
Rodgers
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Olson
Palazzo
Paulsen
Pearce
Perry
Petri
Pittenger
Poe (TX)
Posey
Price (GA)

Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross
Rothfus
Royce
Runyan
Ryan (WI)
Salmon
Sanford
Scalise
Schock
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)

Smith (TX)
Southernland
Stewart
Stivers
Stockman
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walorski
Weber (TX)
Webster (FL)
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IN)

NOES—192

Barber
Barrow (GA)
Bass
Beatty
Becerra
Bera (CA)
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Castor (FL)
Castro (TX)
Chu
Cicilline
Clark (MA)
Clarke (NY)
Clay
Clyburn
Cohen
Connolly
Conyers
Cooper
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DeBene
Deutch
Dingell
Doggett
Doyle
Duckworth
Edwards
Ellison
Engel
Enyart
Eshom
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garcia

Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings (FL)
Heck (WA)
Higgins
Himes
Hinojosa
Holt
Honda
Horsford
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis
Lipinski
Loeb sack
Lofgren
Lowenthal
Lowe
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maffei
Maloney,
Carolyn
Maloney, Sean
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Meng
Michaud
Miller, George

Moore
Moran
Murphy (FL)
Nadler
Napolitano
Neal
Negrete McLeod
Nolan
O'Rourke
Owens
Pallone
Pascarell
Pastor (AZ)
Payne
Pelosi
Peters (CA)
Peters (MI)
Peterson
Pingree (ME)
Pocan
Polis
Price (NC)
Kaptur
Quigley
Rahall
Rangel
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speler
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Vargas
Veasey

Vela
Velázquez
Visclosky
Walz

Wasserman
Schultz
Waters
Waxman

Welch
Wilson (FL)
Yarmuth

NOT VOTING—15

Barton
Brady (TX)
Carson (IN)
Cartwright
Cassidy

Cleaver
DesJarlais
Graves (MO)
Hanabusa
Issa

Miller, Gary
Nunnelee
Perlmutter
Pitts
Pompeo

□ 1339

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

□ 1345

LONGSHORE AND HARBOR WORKERS' COMPENSATION CLARIFICATION ACT OF 2014

Mr. WALBERG. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3896) to amend the Longshore and Harbor Workers' Compensation Act to provide a definition of recreational vessel for purposes of such Act, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3896

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Longshore and Harbor Workers' Compensation Clarification Act of 2014”.

SEC. 2. DEFINITION OF RECREATIONAL VESSEL.

(a) DEFINITION.—Section 2 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 902) is amended—

(1) by redesignating paragraph (22) as paragraph (23); and

(2) by inserting after paragraph (21) the following:

“(22)(A) The term ‘recreational vessel’ means a vessel—

“(i) being manufactured or operated primarily for pleasure; or

“(ii) leased, rented, or chartered to another for the latter's pleasure.

“(B) In applying the definition in subparagraph (A), the following rules apply:

“(i) A vessel being manufactured or built, or being repaired under warranty by its manufacturer or builder, is a recreational vessel if the vessel appears intended, based on its design and construction, to be for ultimate recreational uses. The manufacturer or builder bears the burden of establishing that a vessel is recreational under this standard.

“(ii) A vessel being repaired, dismantled for repair, or dismantled at the end of its life will be treated as recreational at the time of

repair, dismantling for repair, or dismantling, provided that such vessel shares elements of design and construction of traditional recreational vessels and is not normally engaged in a military, commercial, or traditionally commercial undertaking.

“(iii) A vessel will be treated as a recreational vessel if it is a public vessel, such as a vessel owned or chartered and operated by the United States, or by a State or political subdivision thereof, at the time of repair, dismantling for repair, or dismantling, provided that such vessel shares elements of design and construction with traditional recreational vessels and is not normally engaged in a military, commercial, or traditionally commercial undertaking.”.

(b) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Labor shall—

(1) amend the regulations in section 701.501 of title 20, Code of Federal Regulations, by deleting the text of subsections (a) and (b) of such section and replacing it with only the text of the definition of recreational vessel in section 2(22) of the Longshore and Harbor Workers' Compensation Act, as added by subsection (a); and

(2) make no further modification to such definition in another regulation or any administrative directive.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. WALBERG) and the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. WALBERG. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3896.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. WALBERG. Mr. Speaker, I rise today in support of H.R. 3896, the Longshore and Harbor Workers' Compensation Act of 2014, and yield myself as much time as I may consume.

The bill before us today provides an opportunity to correct a bureaucratic mistake by the Obama administration that is creating a great deal of confusion and anxiety among certain maritime employers, including a lot of small business owners.

For more than 85 years, the Longshore and Harbor Workers' Compensation Act has provided relief to maritime workers who sustain an injury or illness through work-related activity. Under current law, individuals who repair or dismantle recreational vessels, as well as those who build recreational vessels less than 65 feet long, are covered by an available State workers' compensation program, not the Federal Longshore Act.

It is a bit confusing, especially for maritime employers. In 2009, Congress tried to simplify the law by stipulating any maritime worker providing maintenance of recreational vessels is covered by a State workers' compensation program, regardless of the size of the vessel. Unfortunately, no good deed

goes unpunished. The Obama administration issued regulations that further muddled the waters.

Now, employers are forced to engage in a complicated analysis to determine which employees are covered by which workers' comp program, Federal or State coverage. It is a mess that is forcing employers to spend even more time and money managing their workers' comp programs.

As the National Marine Manufacturers Association warns in a letter to Congress, the administration's regulatory approach has led to higher rates that could “cause businesses to lay off employees or to decide to buy no insurance coverage for their employees at all.”

Members of Congress have raised concerns with the administration's implementation of the 2009 law and to no avail. So we are here once again, Mr. Speaker, clarifying what was already made clear in the hopes the Department of Labor will finally get it right.

H.R. 3896 amends the Longshore Act to define what a “recreational vessel” is in order to convey the true intent of the 2009 law. The bill cleans up any regulatory ambiguity and helps ensure maritime employers have access to affordable workers' compensation coverage for their employees.

With that, Mr. Speaker, I urge my colleagues to support H.R. 3896, and I reserve the balance of my time.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, first, as the prime sponsor of this legislation, let me thank Chairman KLINE, Ranking Member MILLER, and the talented staff on the Education and the Workforce Committee for their leadership and guidance in bringing forth this bipartisan piece of legislation.

This is a project that has been bipartisan from the start, and I think it is unfortunate that my colleague, although speaking in favor of the bill, has chosen to stray from the bipartisan commentary that we should be working together on this legislation.

The bill before us, the Longshore and Harbor Workers' Compensation Act, would reinstate the intent of Congress to ensure that workers in the recreational marine repair industry have adequate workers' compensation coverage. That is the crux of the matter that is before us.

In 2009, Congress passed section 803 of the American Recovery and Reinvestment Act, which expanded an existing exception that allowed more recreational marine repair workers to receive workers' compensation coverage under State law, rather than under the Longshore and Harbor Workers' Compensation Act. This was necessary because repair workers were simply not buying the more expensive policies and, thus, they were left undercovered. Businesses found that it was difficult for marine underwriters to determine what law their employees fell under. Therefore, section 803 expanded the exception for the recreational marine re-

pair industry from the requirement to purchase higher cost workers' compensation insurance under the Longshore Act. And as part of this provision, a repair worker was required to be covered by the lower-cost State compensation insurance in order to take full advantage of the exception. As a result, more workers would be covered—a good thing.

The Recovery Act, signed into law in 2009, provided the clarity for workers to get the coverage they needed under State workers' compensation laws. And marine insurance underwriters began to write State policies because of this clarity.

Unfortunately, new regulations were issued in 2011 that adopted a definition of recreational vessel which was far more complicated and onerous than the existing law. In so doing, this new regulatory definition ran counter to what Congress intended. It contracted the exception, rather than expanding it to ensure that we could get more employees covered. It muddled the waters of when longshore coverage was required and when the new congressionally mandated exception to use State law applied. And as a consequence, these new regulations caused the underwriters to simply stop writing policies under State law, leaving many recreational workers in the same predicament that they were in before passage of section 803.

The bill that we are considering today establishes a workable definition for a recreational vessel. In doing so, it restores the intent of Congress in the original 2009 enactments to get coverage for these workers under less expensive State workers' compensation insurance. Put simply, this bill is about protecting jobs and keeping workers covered.

In Broward County, Florida, alone, there are over 90,000 jobs in the recreational marine industry. We are the yachting capital of the entire world in Broward capital, particularly in Fort Lauderdale.

These jobs allow workers to buy homes, provide for their families, and contribute significantly to local economies. And 95 percent of these marine businesses have fewer than 10 employees, Mr. Speaker. Congress intended in 1984 and in 2009 to make sure these workers and their families were covered. And this bill keeps that promise. It does so in a bipartisan way. I urge my colleagues to support this bill.

At this time, I have no further requests for time. So in closing, I will, again, simply say that I appreciate Chairman KLINE and Ranking Member MILLER's support and the work of all of the Members who have significant marine industries in their congressional districts. I am really pleased that we are going to be able to finally make sure that the intent of Congress is carried out and that these marine workers, who are vital and a part of the backbone of so many economies, will have the coverage that they need, rather than forgoing that coverage, and

that we will be able to make sure that the employers who employ them will be able to provide less expensive coverage. It is a win-win, and I look forward to seeing it become law.

With that, I yield back the balance of my time.

Mr. WALBERG. Mr. Speaker, I yield myself the remainder of my time.

I couldn't have said it better than my colleague from Florida. Having a district that borders the Great Lakes, having marinas and harbors in my district, having the opportunity to use the resources and to make sure that the intent of Congress is followed and that we have employees and employers who are treated fairly under workers' comp laws, that they are cared for completely at the lowest cost that we intended, with the original intent of Congress, this bill does that.

So I urge my colleagues to vote "yes" on H.R. 3896 and yield back the balance of my time.

Mr. PETRI. Mr. Speaker, I rise today to express my support for H.R. 3896, a bill that would provide an important technical fix to the Longshore and Harbor Workers' Compensation Act to ensure that workers in the recreational repair industry have access to affordable workers' compensation insurance.

In 2009, Congress expanded an exception for the recreational repair industry that allowed workers in that industry to purchase less expensive state workers compensation insurance. However, in issuing regulations for this expanded exception, the Department of Labor modified the definition of a recreational vessel in a way that actually narrowed the exception's scope. The complexity of this new definition has led insurance underwriters to stop issuing workers compensation policies for repair workers, leading many workers to go without coverage entirely.

H.R. 3896 would enact a definition of recreational vessel that more accurately reflects the intent of Congress. The bill is supported by the recreational marine and marine insurance industries and has the support of both the Chairman and the Ranking Member of the House Education and Workforce Committee.

I want to thank Rep. WASSERMAN SCHULTZ, Chairman KLINE, and Chairman WALBERG for their support and work on this bill, as well as the committee staff who worked diligently to see it through the process.

I urge my colleagues to support this important legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. WALBERG) that the House suspend the rules and pass the bill, H.R. 3896, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SAFE ACT CONFIDENTIALITY AND PRIVILEGE ENHANCEMENT ACT

Mrs. CAPITO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4626) to ensure access to certain

information for financial services industry regulators, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4626

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "SAFE Act Confidentiality and Privilege Enhancement Act".

SEC. 2. CONFIDENTIALITY OF INFORMATION SHARED BETWEEN STATE AND FEDERAL FINANCIAL SERVICES REGULATORS.

Section 1512(a) of the S.A.F.E. Mortgage Licensing Act of 2008 (12 U.S.C. 5111(a)) is amended by inserting "or financial services" before "industry".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from West Virginia (Mrs. CAPITO) and the gentleman from Colorado (Mr. PERLMUTTER) each will control 20 minutes.

The Chair recognizes the gentlewoman from West Virginia.

GENERAL LEAVE

Mrs. CAPITO. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and submit extraneous materials for the RECORD on H.R. 4626, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from West Virginia?

There was no objection.

Mrs. CAPITO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of the Safe Act Confidentiality and Privilege Enhancement Act, legislation that I introduced this year.

One of the lessons learned from the financial crisis of the last decade was there were significant gaps in communication between State regulators. Duplicious mortgage originators were able to move from State to State, virtually undetected, perpetuating fraud on consumers. In response, Congress passed the SAFE Act, which required all mortgage loan originators to be licensed and registered through the National Mortgage Licensing System and Registry. The SAFE Act also set minimum licensing standards that States must meet.

Since its creation in 2008, this registry has allowed State regulators to efficiently search a mortgage loan originator's history and detect previous fraudulent behavior.

The success of this registry has not gone unnoticed. Since April 2012, State regulators have been working with other financial services providers to use the NMLS as a platform for the licensing and registry of other financial services providers, like money service businesses, debt collectors, pawnbrokers, and check cashers. In fact, my home State of West Virginia is now using this platform for their money service businesses.

The use of this national licensing system not only provides efficiencies

for the regulated businesses, but it also strengthens consumer protections for the licensed products. The licensing of these providers and the sharing of information between State regulators helps ensure that the consumers are properly protected from fraudulent lending. These registries will allow State regulators to better track fraudulent actors, making it less likely that these fraudsters can obtain a license to do business and harm consumers.

H.R. 4626 provides a minor amendment to the SAFE Act, ensuring that information shared between the State financial services regulators is protected. My legislation simply clarifies that information that is shared with these State regulators receives the same privileged and confidential treatment that is currently afforded to State banking and mortgage regulators. Without this minor change, there will be gaps in the system that could limit information sharing.

During a hearing in the Financial Institutions and Consumer Credit Subcommittee 2 weeks ago, West Virginia Division of Financial Institutions Commissioner Sally Cline said: "This possible gap limits the States' ability to use NMLS as a licensing system for nonmortgage financial services providers. The change proposed by H.R. 4626 addresses this uncertainty and would provide me and West Virginia-regulated entities with certainty that confidential or privileged information shared through NMLS would continue to be protected under State and Federal law."

□ 1400

Ensuring the confidentiality of the shared information will bolster the effectiveness of these national registries. Expanding licensing to new lines of business and tracking those that are licensed will better protect consumers in my State and across the country.

Mr. Speaker, I urge support of this legislation, and I reserve the balance of my time.

Mr. PERLMUTTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4626, introduced by Chairwoman CAPITO, aims at protecting shared information in the mortgage and financial services industry by putting safeguards on confidentiality.

The bill is very simple. It applies the same confidentiality standards to information shared with State regulators regarding nondepository financial services companies that it enjoyed prior to being entered into the national mortgage licensing system, as long as that information is shared through the Nationwide Mortgage Licensing System among all mortgage regulators.

In the lead-up to the financial crisis, State regulators and Congress recognized the need to oversee the mortgage industry more comprehensively and efficiently by promoting smart and efficient financial regulations to State-licensed, nonbank financial services providers.

H.R. 4626 helps develop the Nationwide Mortgage Licensing System, NMLS, so that regulators retain the ability to keep track of bad actors and provide responsible mortgage providers with greater efficiency and consistency in the licensing process.

H.R. 4626 does not create any additional privilege or confidentiality rights, but the SAFE Act currently provides that information shared through the Nationwide Mortgage Licensing System among mortgage industry regulators retains existing State and Federal privilege and confidentiality protections.

The bill makes it so that these privileges and confidentiality protections remain as long as the information is shared with another mortgage regulator.

Mr. Speaker, the bill addresses uncertainty of confidentiality by clarifying that confidential or privileged information shared through the NMLS would continue to be protected under State and Federal law.

This bill will increase the cooperation—and I think this is the key piece—this bill will increase the cooperation between Federal and State regulators while ensuring that the NMLS fulfills its mission to enhance consumer protection and stability in the mortgage lending industry.

This is a good bill. It should be passed by the House of Representatives. It provides for safety for the home mortgage lending system and the licensure system. It provides for cooperation between Federal regulators and State regulators while preserving confidentiality rights of folks who are part of the licensing system, so I think a number of different goals are achieved.

I thank the gentlewoman from West Virginia for introducing this bill. With that, I urge its passage, and I yield back the balance of my time.

Mrs. CAPITO. Mr. Speaker, I yield myself such time as I may consume.

I would like to thank my friend from Colorado for his support of this and for his service on the committee. He is a great member of the Financial Services Committee.

Mr. Speaker, I would just like to reiterate that ensuring confidentiality will bring about more effectiveness with the national registers. We are responding basically to what a lot of our State regulators have asked us to do, to make sure that they better protect consumers and are able to keep the information in a privileged and confidential manner.

With that, I would urge passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from West Virginia (Mrs. CAPITO) that the House suspend the rules and pass the bill, H.R. 4626.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

EXAMINATION AND SUPERVISORY PRIVILEGE PARITY ACT OF 2014

Mrs. CAPITO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5062) to amend the Consumer Financial Protection Act of 2010 to specify that privilege is maintained when information is shared by certain non-depository covered persons with Federal and State financial regulators, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5062

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Examination and Supervisory Privilege Parity Act of 2014”.

SEC. 2. PRIVILEGE OF INFORMATION SHARED BY CERTAIN NONDEPOSITORY COVERED PERSONS.

Section 1024(b)(3) of the Consumer Financial Protection Act of 2010 (12 U.S.C. 5514(b)(3)) is amended—

(1) by striking “regulators and the State bank regulatory authorities” and inserting “regulators, the State bank regulatory authorities, and the State agencies that license, supervise, or examine the offering of consumer financial products or services”; and

(2) by adding at the end the following: “The sharing of information with such regulators, authorities, and agencies shall not be construed as waiving, destroying, or otherwise affecting any privilege or confidentiality such person may claim with respect to such information under Federal or State law as to any person or entity other than such Bureau, agency, supervisor, or authority.”.

The SPEAKER pro tempore (Mr. RODNEY DAVIS of Illinois). Pursuant to the rule, the gentlewoman from West Virginia (Mrs. CAPITO) and the gentleman from Colorado (Mr. PERLMUTTER) each will control 20 minutes.

The Chair recognizes the gentlewoman from West Virginia.

GENERAL LEAVE

Mrs. CAPITO. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and submit any extraneous materials for the RECORD on H.R. 5062, as amended, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from West Virginia?

There was no objection.

Mrs. CAPITO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill is very similar to the previous bill that we just passed. I rise in support of H.R. 5062, the Examination and Supervisory Privilege Parity Act of 2014—we always want to have a nice, long name for everything—and congratulate my colleagues on the Financial Services Committee, Mr. PERLMUTTER and Mr. BARR, for their hard work on advancing this legislation.

This bill clarifies that the sharing of information between Federal banking regulators and State agencies that license, supervise, or examine the offering of consumer financial products or services will not be construed as waiving, destroying, or otherwise affecting any privilege or confidentiality right that a person could claim.

Americans are familiar with the concept of privilege. Under current law, legal privilege exists with respect to certain communications, so long as they are not shared with a third party. Attorney-client privilege, for example, is destroyed if the client shares what he communicated to his attorney with his colleague at work.

This legislation provides assurance for financial institutions that privileged information shared between Federal banking regulators and State regulatory agencies will be protected and remain confidential.

This will encourage a greater amount of sharing between institutions and their regulators and will allow our Nation's financial regulators to do their jobs to ensure that our financial institutions are operating lawfully while, at the same time, able to offer consumer credit products that are critical to Americans to finance their everyday purchases and start small businesses.

The Examination and Supervisory Privilege Parity Act is a simple bipartisan bill that clarifies that this is not always the case. I, again, congratulate Mr. BARR and Mr. PERLMUTTER on their work, and I would reserve the balance of my time.

Mr. PERLMUTTER. Mr. Speaker, I yield myself as much time as I might consume.

Mr. Speaker, I rise in support of H.R. 5062, the Examination and Supervisory Privilege Parity Act, which is difficult to say, but easy to understand. It is to provide for full cooperation, discourse, and communication among regulators while, at the same time, preserving some confidentiality and protections for those whose books and records are being reviewed. I want to thank my friend, Congressman BARR, for working with me on this legislation.

This legislation accomplishes two important things. First, it reduces regulatory burden by ensuring Federal regulators; the CFPB; State banking agencies; and, now, nonbank agencies may coordinate their respective examination schedules. Two, it provides parity to ensure privilege is not compromised when regulated entities turn over sensitive information to their regulators and when that information is subsequently shared among State and Federal agencies.

The Dodd-Frank legislation empowered the Consumer Financial Protection Bureau to regulate, supervise, and examine providers of consumer credit and financial products. Among these companies, nonbank financial institutions are typically State-licensed, and their primary regulator is often the State banking commissioner.

However, in 15 States, such entities are overseen by a nonbank agency, such as the attorney general, the Department of Consumer and Regulatory Affairs, or a dedicated consumer credit commissioner.

The bill extends the same protections that apply to all consumer creditors to ensure an effective and equitable examination and investigatory process.

Under the Federal Deposit Insurance Act, similar protections exist for banks which benefit from express legal protection that provides the confidence and legal certainty to turn over privileged information and documents at the request of their regulators.

This protection encourages regulated entities to comply with the examinations and mitigates their anxiety about disclosing sensitive proprietary information to regulators. Sharing of information will not waive attorney-client, work product, or other privileges recognized under Federal or State law.

Let me be clear, a firm cannot turn over any information to their regulators they choose to benefit from the extension of privilege and shield themselves from third-party lawsuits. Privilege of information only extends to the information requested by the regulators during the course of supervisory examinations per State and Federal law.

Additionally, the bill codifies the CFPB guidance bulletin and regulation that says the “confidential treatment of information that would provide that any person’s submission of information to the Bureau in the course of the Bureau’s supervisory or regulatory processes will not waive any privilege such person may claim with respect to such information.”

They go on to state that the rule is intended to “provide protections for the confidentiality of privileged information substantively identical to the statutory provisions that apply to the submission of privileged information to the prudential regulators and State and foreign bank regulators.”

However, this bill will extend protections to nonbank State regulators, such as the attorney general in Colorado and those regulated entities.

I am a strong supporter and believer in the Dodd-Frank Wall Street Reform and Consumer Protection Act, but I also know certain technical fixes need to be made. That is why I urge passage of this bill introduced by my friend, Mr. BARR.

With that, I will reserve the balance of my time.

Mrs. CAPITO. Mr. Speaker, I now yield such time as he may consume to the gentleman from Kentucky (Mr. BARR), the author of the bill and a great member of the Financial Services Committee.

Mr. BARR. Mr. Speaker, I thank the gentlewoman for yielding, and I appreciate her leadership as the chairman of the Financial Institutions Subcommittee and for her support of this important legislation.

Mr. Speaker, I rise in support of H.R. 5062, the Examination and Supervisory Privilege Parity Act, and I want to thank the gentleman from Colorado, my friend, Mr. PERLMUTTER, for working with me in a bipartisan fashion to introduce and advance this legislation.

In central Kentucky, one of our signature industries is the auto manufacturing industry, and no place exemplifies this proud fact more than Toyota Motor Manufacturing of Kentucky and the plant that is located in my district in Georgetown, Kentucky.

With over 7,300 Toyota team members and their families dependent on these high-quality jobs in that facility, I am committed to doing everything I can to support these Kentucky workers. This legislation does that.

H.R. 5062 is, as my friend from Colorado said, a technical fix, but it is an important piece of legislation because it helps automobile finance companies like Toyota Financial Services, which finances over two-thirds of new vehicle sales for Toyota customers.

This legislation assures these consumer lenders that when they provide confidential and privileged information to their regulators in the course of supervision, the customary privilege or confidentiality of that information is not waived when shared with the State regulatory agencies.

This is necessary because the unintended fragmented structure of current law leaves privileged and confidential status of this information in question, and that poses a significant risk to auto finance companies.

Consumer access to finance is vital for new car sales and a healthy car market, and a healthy car market is good for the 7,300 automobile manufacturing workers in central Kentucky and all around America.

Mr. Speaker, I urge support for this legislation which, again, simply guarantees that when the Consumer Financial Protection Bureau asks for confidential and privileged information from a captive finance company and then shares that information with a State regulator, that information shared will continue to be treated as privileged and confidential. I urge support for this legislation.

Mr. PERLMUTTER. Mr. Speaker, I first would like to introduce into the RECORD, speaking of Toyota, a letter dated July 14, to myself and to Mr. BARR; a letter from the Financial Services Roundtable dated July 29, 2014; a letter from Honda dated July 15; a letter from the Conference of State Bank Supervisors dated July 15; and a letter from the American Financial Services Association dated July 25.

TOYOTA MOTOR NORTH AMERICA, INC.,
Washington, DC, July 14, 2014.

Hon. ED PERLMUTTER,
Longworth House Office Building,
Washington, DC.

Hon. ANDY BARR,
Longworth House Office Building,
Washington, DC.

DEAR CONGRESSMEN PERLMUTTER AND BARR: On behalf of the over 30,000 Toyota

Team members in the U.S., thank you for introducing H.R. 5062, the Examination and Supervisory Privilege Parity Act of 2014. We appreciate your commitment to common sense regulatory reform.

Consumer access to finance is the life blood of new car sales. To maintain competitiveness, automobile manufacturers must have a strong vehicle finance division. These “captive finance companies”, like Toyota Financial Services, provide tailored financing options to our customers, whether they be individual consumers or franchised dealers. As a captive, Toyota Financial Services exist solely to support the auto manufacturer in selling vehicles and are designed to maintain a long-term, positive, customer relationship with the consumer.

As you know, the Dodd-Frank Act placed captive finance companies under the jurisdiction of the newly created Consumer Financial Protection Bureau (CFPB). However, in a technical oversight, the Act did not extend the traditional protections of privilege over nonpublic, proprietary information—often disclosed in the course of supervision—to either the CFPB or the state agencies that jointly oversee captive finance companies under the CFPB’s jurisdiction.

A strong supervisory privilege plays an important role in supporting an effective and open examination process. Straightforward communications between regulators and the regulated entities are critical, and are made possible by the extension of privilege. Once lost, privilege cannot be restored.

H.R. 5062 corrects this oversight by simply guaranteeing that when captive finance companies produce information to the CFPB, the privileged status of that information is preserved when the CFPB shares the information with state regulation agencies.

At Toyota, we support H.R. 5062 and appreciate your taking the time to learn about this issue.

Sincerely,

STEPHEN CICCONE,
Group Vice President, Government Affairs.

FINANCIAL SERVICES ROUNDTABLE,
Washington, DC, July 29, 2014.

Hon. ED PERLMUTTER,
House of Representatives,
Washington, DC.

Hon. ANDY BARR,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVES PERLMUTTER AND BARR: The Financial Services Roundtable (FSR) commends your sponsorship of H.R. 5062, “The Examination and Supervisory Privilege Parity Act of 2014”, which seeks to ensure the protection of shared privileged information. FSR supports this legislation and urges the House to pass it at the earliest possible date.

The legislation provides assurance for financial institutions that privileged information shared between federal banking regulators and state regulatory agencies will be protected and remain confidential. While the Consumer Financial Protection Bureau (CFPB) has acted to protect confidential information obtained through the supervisory process, this legislation provides additional assurance that when the CFPB shares supervisory information with federal and state regulators—including any state agency that licenses, supervises or examines the offering of consumer financial products or services, that the confidential nature of the information will be protected.

We strongly support H.R. 5062 and urge its passage. Thank you for the consideration, and please do not hesitate to contact me if you would like to discuss this matter further.

Sincerely,

FRANCIS CREIGHTON,

Executive Vice President, Government Affairs, Financial Services Roundtable.

HONDA NORTH AMERICA, INC.,
Washington, DC, July 15, 2014.

Hon. SHELLEY MOORE CAPITO,
Chairwoman, Subcommittee on Financial Institutions and Consumer Credit, Committee on Financial Services, Washington, DC.

Hon. GREGORY W. MEEKS,
Ranking Member, Subcommittee on Financial Institutions and Consumer Credit, Committee on Financial Services, Washington, DC.

DEAR CHAIRWOMAN CAPITO AND RANKING MEMBER MEEKS: Thank you and the Subcommittee on Financial Institutions and Consumer Credit for considering H.R. 5062, the Examination and Supervisory Privilege Parity Act of 2014, introduced by Congressmen Ed Perlmutter and Andy Barr during today's hearing entitled, "Examining Regulatory Relief Proposals for Community Financial Institutions Part II." Honda supports H.R. 5062 because its passage would ensure the protection of privileged supervisory information shared with and by the Consumer Financial Protection Bureau (CFPB) for nondepository financial institutions.

The Dodd-Frank Wall Street Reform and Consumer Protection Act (the "Act") gave the CFPB the authority to regulate and supervise a number of institutions that provide consumer financial products or services, and to the extent the CFPB may finalize its "larger participant" rule for the auto finance market (expected in 2015), we anticipate these institutions will include captive vehicle finance companies like Honda. However, state agencies also regulate captive vehicle finance companies, and it is important to preserve the privilege of supervisory information that regulated entities share with the CFPB, particularly because the CFPB is expected to share such information and coordinate examinations with state regulatory agencies.

Although Congress passed H.R. 4014 in late 2012 (P.L. 112-215) to address the privilege issue, that law only protects the privilege of information in those states where state bank supervisors regulate the consumer financial product or service. However, there are 15 states where a state agency, other than a state bank supervisor, has jurisdiction over the offering of consumer financial products or services; for example, in Texas, the governing body is the Office of the Consumer Credit Commissioner (OCCC). As a result of these differences in regulatory regimes, a question remains as to whether the sharing of supervisory information with those types of agencies would result in a waiver of privilege. H.R. 5062 would clarify that such sharing between the CFPB and prudential regulators, state bank regulatory authorities, as well as other state agencies that license, supervise, or examine the offering of consumer financial products or services, would not be "construed as waiving, destroying, or otherwise affecting any privilege" a financial institution could claim. With the CFPB working to develop its supervisory program for "larger participants" in the auto lending market, it has become critical to establish parity for the protection of privileged information among all financial institutions.

We hope that the Subcommittee and the Full Committee on Financial Services can take immediate action on H.R. 5062. Thank you again for your consideration. If you need any additional information, please contact me.

Sincerely,

TARA HAIRSTON,
Government & Industry Relations,
Honda North America, Inc.

CONFERENCE OF STATE
BANK SUPERVISORS,
Washington, DC, July 15, 2014.

Representative ED PERLMUTTER,
Longworth House Office Building,
Washington, DC.

Representative ANDY BARR,
Longworth House Office Building,
Washington, DC.

DEAR REPRESENTATIVES PERLMUTTER AND BARR: On behalf of the Conference of State Bank Supervisors ("CSBS"), I am writing to express our support of your bill, H.R. 5062, which ensures privileged information is protected when shared with and among regulators. As state regulators responsible for overseeing a variety of depository and nondepository financial services providers, our members strongly support your effort to ensure consistent treatment across regulated entities and regulatory agencies.

Effective and efficient financial regulation requires collaboration between state and federal regulators. Information sharing is the lynchpin of this partnership. The creation of the Consumer Financial Protection Bureau ("CFPB") with jurisdiction over an array of entities regulated at both the federal and state level makes this coordination and uniform treatment of information even more critical. By correcting current gaps in the law, this bill improves regulators' ability to coordinate and provides regulated entities with greater confidence that privileged information provided to regulators retains federal and state legal protections.

As you and your colleagues consider this bill, CSBS recommends improving the bill by adding confidentiality to the covered information protection. Not all states confer privilege upon information shared with regulators. Instead, such information is usually treated as confidential under state law. By adding "and confidentiality" after "privilege" the bill will address all intended scenarios for protection of sensitive information.

CSBS is committed to working with you to ensure that H.R. 5062 becomes law and urge you and your colleagues to pass the bill.

Sincerely,

JOHN W. RYAN,
President & CEO.

AMERICAN FINANCIAL
SERVICES ASSOCIATION,
JULY 25, 2014.

Re H.R. 5062, "Examination and Supervisory Privilege Parity Act of 2014"

Hon. ED PERLMUTTER,
House of Representatives,
Washington, DC.

Hon. ANDY BARR,
House of Representatives,
Washington, DC.

DEAR CONGRESSMEN: On behalf of the American Financial Services Association (AFSA) and our more than 350 members, write in support of your legislation, H.R. 5062, the "Examination and Supervisory Privilege Parity Act of 2014." We applaud your efforts to ensure that the nonpublic, proprietary information of nonbank consumer finance companies remains privileged, wherever applicable, throughout the course of supervision at the federal and state levels. AFSA believes this to be a key step in promoting a candid and efficient supervisory relationship between financial regulators and the entities they oversee.

BACKGROUND ON SUPERVISORY PRIVILEGE

A strong supervisory privilege plays an important role in supporting an effective and open examination process. Straightforward communications between regulators and the regulated entities are critical, and are made possible by the maintenance of privilege.

There is precedent for this degree of protection in the longtime practice by bank regulators of asserting the confidentiality of records related to entities under their supervision, and resisting the efforts of third-party litigants to discover such information.

STATUS OF THE NONPUBLIC, PROPRIETARY INFORMATION OF NONBANKS

In establishing the Consumer Financial Protection Bureau (CFPB), Congress neglected to extend bank supervisors' historical protections over privileged information to either the CFPB or the state regulators of nonbanks, with whom the Bureau is expected to share information and coordinate examinations. Therefore, the proprietary information of nonbank consumer finance companies does not enjoy the same legal protections as that of banks when disclosed during the course of supervision or other regulatory processes.

Recognizing the importance of promoting effective supervision, Congress enacted H.R. 4014 in December 2012 to protect privileged information disclosed to the CFPB by covered persons. H.R. 4014 amended the Federal Deposit Insurance Act (FDI Act) to add the CFPB to the list of federal regulators with whom no applicable privilege is waived when disclosing privileged information by or about a company under supervision. The FDI Act also permits enumerated agencies to share such privileged information with "state bank supervisors" without waiving the privilege. However, in the case of a nonbank institution, federal law currently provides comprehensive protection of existing privilege if and only if the company does business exclusively in states where it is regulated by state bank supervisors, per se.

CURRENT LAW PROVIDES UNEVEN PROTECTIONS FOR NONBANKS

Across the country, nonbank consumer finance companies do not always fall under the jurisdiction of state bank supervisors. In fact, there are at least 15 states where an agency other than the state bank supervisor currently has either partial or full jurisdiction over nonbanks offering consumer credit in that state. This exposes such entities to significant legal risk, given the uncertainty surrounding whether privilege will withstand the transfer of information by the CFPB to, and among, state agencies not specifically referenced in federal law. Such uncertainty will necessarily chill communications between the CFPB and the companies it supervises, undermining the agency's effectiveness.

With the CFPB conducting examinations of state-regulated nondepository financial institutions, it is imperative for Congress to extend all applicable privileges to the range of institutions subject to supervision by the Bureau. Congress should ensure that the same protections apply to all consumer creditors to ensure an effective and equitable examination and investigatory process.

AFSA URGES CONGRESS TO ENACT H.R. 5062

H.R. 5062 would amend the Consumer Financial Protection Act of 2010 to specify that privilege is maintained when information is shared by certain nondepository covered persons with federal and state financial regulators. AFSA believes this bill will achieve parity in the statutory treatment of nonpublic, proprietary information disclosed by nondepository financial institutions with that of their depository peers, and will thereby promote greater candor with regulators and more efficient regulation. AFSA urges Congress to advance this legislation at the soonest possible opportunity, as covered persons face greater risk to the sanctity of their proprietary information as they disclose more documents to the CFPB with each passing day.

AFSA looks forward to working with you to address this matter. If you have any questions, please contact me.

Sincerely,

BILL HIMPLER,
Executive Vice President,
American Financial Services Association.

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Mr. PERLMUTTER. Since there are no other speakers on the majority side of the aisle, I will close as well.

Mr. Speaker, this is very similar to the bill we just heard. It really is trying to do two things. One, add the cooperation among Federal and State regulators and potential companies, individuals who might be under examination by those regulators, so that the individual or company who is providing information to the regulators knows that that information maintains protections and confidentiality and privilege in those respects. So we are seeking additional cooperation and additional communication.

This bill that Congressman BARR and I have introduced I think gets to those two key goals. Again, the purpose is so that the regulators understand what it is that they are examining and have as much information as possible, and that they get full cooperation from those that are being examined. So I thank my friend for introducing this bill.

With that, I yield back the balance of my time.

Mrs. CAPITO. Mr. Speaker, I again would like to thank the sponsors of the legislation, Mr. BARR and Mr. PERLMUTTER, for working together to seek a fix that will result in good things for the coordination aspect of the State regulators and Federal regulators. I encourage passage of the bill.

With that, I yield back the balance of my time.

Mr. PERLMUTTER. Mr. Speaker, I submit the following letter of support of H.R. 5062.

JULY 25, 2013.

Re Supervisory Privilege for Nondepository Consumer Lenders

Hon. TIM JOHNSON,
Chairman, Senate Banking Committee, Washington, DC.

Hon. MIKE CRAPO,
Ranking Member, Senate Banking Committee, Washington, DC.

Hon. JEB HENSARLING,
Chairman, House Financial Services Committee, Washington, DC.

Hon. MAXINE WATERS,
Ranking Member, House Financial Services Committee, Washington, DC.

DEAR CHAIRMEN AND RANKING MEMBERS: The American Financial Services Association ("AFSA") and the undersigned automobile finance companies ask for your support to ensure the privilege protection for state licensed and regulated nondepository consumer lenders under the jurisdiction of the Consumer Financial Protection Bureau ("CFPB" or "Bureau") is fully extended to all such companies and their privileged information—regardless of which state agency happens to be their regulator.

THE DODD-FRANK ACT AND PRIVILEGE

While the Dodd-Frank Act ("Act") granted the CFPB authority to regulate and supervise a wide range of depository institutions and nondepository consumer lenders, the Act neglected to extend the historical protec-

tions over privileged information submitted to bank supervisors, during the course of supervision, to either the CFPB or certain state agencies with whom the Bureau is expected to share information and coordinate examinations.

A FLAWED SOLUTION

The enactment of H.R. 4014 during the 112th Congress sought to resolve the problem by amending the Federal Deposit Insurance Act ("FDI Act") to add the CFPB to the list of federal regulators approved to share information without waiving any applicable privilege. The FDI Act also permits enumerated agencies to share privileged information with "state bank supervisors" without waiving privilege. However, in the case of a nondepository consumer lender, H.R. 4014 provides comprehensive protection of privilege if and only if the company does business exclusively in states where it is regulated by state bank supervisors.

Nondepository consumer lenders, however, do not always fall under the jurisdiction of state bank supervisors. According to an informal survey conducted by AFSA, there are at least 15 states where a state agency other than the state bank supervisor currently has either partial or full jurisdiction over the financial activities of nonbanks doing business in that state. For example, in Texas, the Office of the Consumer Credit Commissioner regulates nondepository consumer lenders, and in Colorado, the state Attorney General regulates such entities. In addition, states periodically reorganize their regulatory regimes—raising the issue of whether a nondepository consumer lender currently under a state's banking agency would be protected if the state changes its regulatory regime in the future.

We ask that nondepository consumer lenders are universally afforded the customary and historical protections of privilege when the CFPB and other regulators share such privileged information with any applicable state agency with supervisory oversight over such companies. Our goal is to provide parity among financial institutions of all types, and we do not seek to advantage any class of creditor.

THE NECESSITY OF PRIVILEGE

It is important to emphasize the critical role that privilege plays in supporting a more effective and transparent supervisory process between regulators and regulated entities, as effective examinations are enhanced by the privilege. Indeed, the Court of Appeals for the D.C. Circuit expounded as follows:

The bank examination privilege is firmly rooted in practical necessity. Bank safety and soundness supervision is an iterative process of comment by the regulators and response by the bank. The success of the supervision therefore depends vitally upon the quality of communication between the regulated banking firm and the bank regulatory agency. This relationship is both extensive and informal. It is extensive in that bank examiners concern themselves with all manner of a bank's affairs. . . . Because bank supervision is relatively informal and more or less continuous, so too must be the flow of communication between the bank and the regulatory agency. Bank management must be open and forthcoming in response to the inquiries of bank examiners, and the examiners must in turn be frank in expressing their concerns about the bank. These conditions simply could not be met as well if communications between the bank and its regulators were not privileged. (Emphasis added.)

We believe the same policy should apply to all consumer creditors to ensure effective and equitable examination and investigatory processes.

PARTIAL PRIVILEGE IS NO PRIVILEGE

The CFPB operates under a rather rigid document called the Enforcement Action Process, which provides that an investigation begins with a civil investigative demand (CID), "which can easily be 20 or 30 pages long, [and] request almost every imaginable relevant piece of documentary evidence." Companies typically have ten days to draft an initial response, and companies like automobile finance companies that operate under all 50 state regulatory regimes could be compelled to provide information that, while privileged in some states in which the company is licensed, would not be in other states.

Once lost, privilege cannot be restored, leaving formerly privileged documents produced to the CFPB subject to discovery by third parties. Moreover, the consequences of privilege waiver can be significantly compounded if a court rules that the privilege was waived not only as to the individual document or documents actually produced to the CFPB, but as to all information relating to that subject matter. The following example illustrates the point: in responding to a CID issued by the CFPB, an automobile finance company might feel compelled to produce an otherwise privileged internal memorandum on Topic X; the CFPB shares this memorandum with non-banking regulators in States A, B and C, all of which regulate the finance company. Assume for this hypothetical that the CFPB and States A, B and C all ultimately agree with the memorandum's conclusions on Topic X, and decide to take no action against the finance company. Under the current framework, the privileged nature of that memorandum is likely lost and any private litigant can seek (and possibly obtain) production of the memorandum. This is bad enough, essentially eviscerating the privilege. Worse is the possibility that a court might conclude that not only is the privilege waived as to the memorandum, but also as to all finance company documents relating to the topic in question.

CONGRESSIONAL INTERVENTION IS PARAMOUNT

Even in an instance where the CFPB may agree to respect privilege in all states, it is unclear whether the Bureau could effectuate that protection. For example, although the CFPB promulgated a rule governing privilege, it has not addressed this particular issue regarding gaps in its statutory authority. Further, even if so inclined, it is unclear that the CFPB could assist a company attempting to defend privilege in a law suit brought by a third party attempting to discover privileged material.

We note that, while the federal banking agencies had similar rules in place, Congress—believing a statute was necessary to safeguard privilege—enacted 12 U.S.C. 1828(x) to ensure that any privileged work product or protected materials that banks disclose in the course of supervision remain privileged as to all other parties.

We respectfully request that the House Financial Services Committee and the Senate Banking Committee act decisively and without delay to establish parity among all lenders by advancing legislation to reaffirm full privilege protection to all types of financial institutions.

Thank you for your consideration. Should you need any additional information, please contact AFSA's Executive Vice President, Bill Himpler, at (202) 466-8616 or bhimpler@afsamail.org.

Sincerely,

Katherine Adkins, General Counsel and Vice President, Legal & Compliance, Toyota Financial Services, Torrance, California;

Stephen P. Artusi, Vice President and General Counsel, World Omni Financial Corp., Deerfield Beach, Florida;
 Alan Ray Hunn, General Counsel, Nissan Motor Acceptance Corporation, Franklin, Tennessee (Headquarters), Irving, Texas (Operations);
 Doug Johnson, Executive Vice President, Chief Legal Officer, GM Financial, Fort Worth, Texas;
 Katherine M. Kjolhede, Executive Vice President & General Counsel, Ford Motor Credit Company LLC, Dearborn, Michigan;
 Kevin McDonald, Chief Compliance Officer, General Counsel & Secretary, VW Credit, Inc., Herndon, Virginia;
 Catherine M. McEvilly, Compliance Officer, American Honda Finance Corporation, Torrance, California;
 Carol J. Moore, Vice President and Executive General Counsel, Hyundai Capital America, Irvine, California;
 RJ Seaward, Vice President, General Counsel, Harley-Davidson Financial Services, Chicago, Illinois;
 Michelle Spreitzer, General Counsel, Mercedes-Benz Financial Services, Farmington Hills, Michigan.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from West Virginia (Mrs. CAPITO) that the House suspend the rules and pass the bill, H.R. 5062, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend the Consumer Financial Protection Act of 2010 to specify that privilege and confidentiality are maintained when information is shared by certain nondepository covered persons with Federal and State financial regulators, and for other purposes."

A motion to reconsider was laid on the table.

REAUTHORIZATION OF THE DEFENSE PRODUCTION ACT

Mr. CAMPBELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4809) to reauthorize the Defense Production Act, to improve the Defense Production Act Committee, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4809

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REAUTHORIZATION.

Section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended—

(1) by striking "2014" and inserting "2019"; and

(2) by striking "on or after the date of enactment of the Defense Production Act Reauthorization of 2009".

SEC. 2. DEFENSE PRODUCTION ACT COMMITTEE IMPROVEMENTS.

Section 722 of the Defense Production Act of 1950 (50 U.S.C. App. 2171) is amended—

(1) in subsection (a)—

(A) by striking "advise the President" and inserting "coordinate and plan for"; and

(B) by striking "the authority" and inserting "the priorities and allocations authorities";

(2) in subsection (b), by amending paragraph (2) to read as follows:

"(2) The Chairperson of the Committee shall be the head of the agency to which the President has delegated primary responsibility for government-wide coordination of the authorities in this Act.";

(3) by amending subsection (c) to read as follows:

"(c) COORDINATION OF COMMITTEE ACTIVITIES.—The Chairperson shall appoint one person to coordinate all of the activities of the Committee, and such person shall—

"(1) be a full-time employee of the Federal Government;

"(2) report to the Chairperson; and

"(3) carry out such activities relating to the Committee as the Chairperson may determine appropriate.";

(4) in subsection (d)—

(A) by striking "Not later than" and all that follows through "Committee shall submit" and inserting the following: "The Committee shall issue a report each year by March 31";

(B) by striking "each member of the Committee" and inserting "the Chairperson";

(C) in paragraph (1)—

(i) by striking "a review of the authority under this Act of" and inserting "a description of the contingency planning by"; and

(ii) by inserting before the semicolon the following: "for events that might require the use of the priorities and allocations authorities";

(D) in paragraph (2), by striking "authority described in paragraph (1)" and inserting "priorities and allocations authorities in this Act";

(E) by amending paragraph (3) to read as follows:

"(3) recommendations for legislation actions, as appropriate, to support the effective use of the priorities and allocations authorities in this Act";

(F) in paragraph (4), by striking "all aspects of" and all that follows through the end of the paragraph and inserting "the use of the priorities and allocations authorities in this Act"; and

(G) by adding at the end the following:

"(5) up-to-date copies of the rules described under section 101(d)(1); and

"(6) short attestations signed by each member of the Committee stating their concurrence in the report.".

SEC. 3. UPDATED RULEMAKING.

Section 101(d)(1) of the Defense Production Act of 1950 (50 U.S.C. App. 2071(d)(1)) is amended by striking "not later than" and all that follows through "rules" and inserting the following: "issue, and annually review and update whenever appropriate, final rules".

SEC. 4. PRESIDENTIAL DETERMINATION.

(a) IN GENERAL.—Section 303(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2093(a)) is amended—

(1) in paragraph (5)—

(A) by striking "determines" and inserting the following: "on a non-delegable basis, determines, with appropriate explanatory material and in writing";

(B) in subparagraph (A), by striking "and" at the end;

(C) in subparagraph (B), by striking the period and inserting "and"; and

(D) by adding at the end the following:

"(C) purchases, purchase commitments, or other action pursuant to this section are the most cost effective, expedient, and practical alternative method for meeting the need.";

(2) in paragraph (6), by adding at the end the following:

"(C) LIMITATION.—If the taking of any action or actions under this section to correct an industrial resource shortfall would cause the aggregate outstanding amount of all such actions for such industrial resource shortfall to exceed \$50,000,000, no such action or actions may be taken, unless such action or actions are authorized to exceed such amount by an Act of Congress.".

(b) EXCEPTION.—Section 303(a)(6)(C) of the Defense Production Act of 1950, as added by subsection (a)(2), shall not apply to a project undertaken pursuant to a determination made before the date of the enactment of this Act.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

Section 711 of the Defense Production Act of 1950 (50 U.S.C. App. 2161) is amended—

(1) by striking "are hereby authorized to be appropriated such sums as may be necessary and appropriate" and inserting "is authorized to be appropriated \$133,000,000 for fiscal year 2015 and each fiscal year thereafter"; and

(2) by striking the second and third sentences.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CAMPBELL) and the gentleman from Colorado (Mr. PERLMUTTER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. CAMPBELL. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and submit extraneous material on H.R. 4809, as amended, the bill currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CAMPBELL. Mr. Speaker, I yield myself such time as I may consume.

This bill today, H.R. 4809, is a bill to reauthorize the Defense Production Act. Simply put, the Defense Production Act is a bill that is intended to minimize distortions to the economy when it is necessary for the government to take action to aid speedy recovery from large natural or man-made disasters or to protect our servicemen and -women during combat situations. The underlying legislation was used in the recoveries from Hurricanes Katrina and Sandy and used to get new body armor in a hurry for troops in Iraq and Afghanistan when supplies ran dangerously low.

Shortly after the outbreak of the Korean war was when Congress first enacted the Defense Production Act, DPA, granting the President broad powers to access prompt, adequate, and uninterrupted supplies of industrial resources to satisfy national security needs. During that war, the DPA was used to establish a robust national defense infrastructure which later provided the U.S. strength in the ensuing cold war.

Since then, the DPA has been used only sparingly. In recent years, Congress expanded the Executive's use of the DPA to include the protection of critical infrastructure and needs arising from civil emergencies, such as

hurricanes, in addition to its defense purposes. When it was enacted, the DPA consisted of seven titles, including some controversial wage and price controls. As the Korean war wound down, four of those titles were allowed to expire. The remainder of the law, the remaining three titles, have operated effectively and without much controversy since.

There are three remaining titles. First, title I, which grants the President authority to meet urgent defense or disaster recovery requirements. This authority essentially allows the government to move to the head of a company's production and delivery schedule and indemnifies that company against breach of contract lawsuits by nongovernment entities.

Title III authorizes the President to use loans, purchase commitments, and grants to encourage contractors to establish or expand industrial capacity and produce items that are essential to the national defense that must be domestically produced but are otherwise not economically attractive enough to have a domestic producer. These programs are usually small, typically less than \$15 million, and in the history of the DPA, going back to the Korean war, only three have exceeded \$50 million, each of which was specifically authorized by Congress.

Title VII authorizes the President to provide antitrust exemptions for voluntary agreements and joint activities among private entities intended to address production and distribution problems that might impair defense preparedness.

While the first two titles and the rest of title VII expire at the end of September, title VII also contains the authorization of the Committee on Foreign Investment in the United States, which scrutinizes the foreign direct investments process, to ensure that they do not threaten national security. That authority does not sunset. It did not before, and it does not in this reauthorization.

Mr. Speaker, the bill before us reauthorizes the DPA for 5 years and reinstates some modest reforms, the reforms that were in place prior, adds back the guidelines for the use of title III that clarified that title III must be the most cost-effective solution to the defense industrial base shortfall, and it has a requirement for a separate congressional authorization for projects greater than \$50 million. As I just described, all previous projects greater than \$50 million since the Korean war have all received congressional reauthorization, so this really is not changing what has been existing practice.

The reforms also stipulate that the use of title III may only be approved by the President and makes some changes to improve the effectiveness of an interagency coordinating committee on the uses of the DPA.

Mr. Speaker, this bill preserves the vital and important authorities of the DPA while preventing any abuse or

perception of misuse. It passed the Financial Services Committee in June by voice vote. I would urge immediate passage of this bill and its common-sense reforms.

I reserve the balance of my time.

Mr. PERLMUTTER. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman from California for working on this bill and getting it reintroduced and, hopefully, today getting it passed. I thank him, too, for working with a number of us on certain provisions.

When the Defense Production Act was initially enacted in 1950 in the aftermath of World War II and in the midst of the Korean war, it contained seven separate titles that granted broad authority to the President to control national economic policy. Following the Korean war, three of the Defense Production Act titles remain in effect and two of the act's titles need to be reauthorized.

First, there is title I of the DPA, which authorizes the priority treatment of contracts and orders to meet urgent defense or readiness requirements. It does so by allowing the government to move to the head of a company's line of production and delivery schedule while indemnifying the company against breach of contract lawsuits by nongovernment entities.

Title III is the other key provision of the law that Congress needs to reauthorize. This title empowers the President to support the private sector through the use of financial incentives, including loans, guarantees, purchase commitments, and grants to ensure that the U.S. domestic industrial base has the production capabilities that the President has determined are essential to our national security.

Congress has reauthorized the DPA on a bipartisan basis approximately 50 times since its first enactment in 1950. It has been used by all administrations since President Truman during both peace and times of conflict to support the national security programs of the United States of America.

The measure includes several reforms. First, the measure would restructure and refocus the Defense Production Act Committee, an interagency advisory body on the priorities and allocation authorities contained in title I. Agency heads are also required to issue and review rules that would establish the standards and procedures by which title I authorities can be used.

In closing on this subject, let's be very clear. The Defense Production Act is a law of great national significance. It has been reauthorized many times. It provides powerful authorities for purposes of our national defense and security. I urge the adoption of the Defense Production Act as we have modified it.

I would state, Mr. Speaker, we have other bills very similar to this that need to be acted on by the Republican

majority, starting with the Export-Import Bank, which itself has been reauthorized numerous times by both parties, whoever was in the majority. Yet the Export-Import Bank is sitting there holding fire when it is a benefit—a strong benefit—to this country and to the businesses of this country so that we can be on even footing with all of the other countries competing for business around the world.

Secondly, the TRIA, which is the Terrorist Risk Insurance Act, it too is sitting there without any action having been taken by the Republican majority of this Congress. It too has been reauthorized on several occasions, and it benefits this country in many ways and needs to be acted upon. But instead, the Republican majority has chosen to bring a lawsuit against the President of the United States, which has absolutely no merit, and has given their lawyers in the proposed legislation a blank check to sue the President when we have important legislation, whether it is the Export-Import Bank, terrorist risk insurance, looking at immigration issues, comprehensive immigration reform, transportation, we have many, many items that need to be addressed. But instead, we are going to take up litigation that is unheard of in the history of the United States against the President of the United States because he has taken actions when this Congress has sat silent.

This bill, the Defense Production Act, I thank my friend from California for bringing it. It needs to be passed. I urge its passage. So many other things need to be passed and not just ignored in the face of doing something so political as suing the President of the United States.

I urge my friend from California, I urge the Speaker to dispose of what we are supposed to take up tomorrow or Thursday in this lawsuit against the President of the United States for taking steps that we here in Congress apparently are refusing, and I would say to the Republican majority, you are refusing to bring up and have heard and voted on—transportation issues should be a bipartisan matter; immigration should be bipartisan; the Export-Import Bank which benefits our companies and our businesses and has been authorized since the 1930s, makes money for the country, that should be brought up. We should be bringing up the Terrorist Risk Insurance Act so that companies across the country know in the terrible event of another attack like we had on 9/11 that there is a backstop for them and their properties and their people. But, no, we are taking up litigation, not legislation.

□ 1430

That is just wrong, Mr. Speaker. I can't object to it in any greater terms. It just makes no sense. It does not advance the ball for America. It doesn't advance the ball for middle America. People are looking for jobs and want to see that their kids go to college and

want to have retirement security. It is just a political statement when we could be doing a lot more.

This Congress can do so much more. Passage of this Defense Production Act is doing something, and I thank my friend for that. I urge its passage, and I yield back the balance of my time.

Mr. CAMPBELL. Mr. Speaker, I yield myself the balance of my time.

First of all, let me thank the gentleman from Colorado and my friends on the other side of the aisle for their work on and support of this Defense Production Act, for which I will call the vote in just a moment.

But as to comments that my friend from Colorado made, first of all, I think he knows I agree with him on Export-Import Bank and on terrorism risk insurance, so you are not going to have any debate from me there.

Clearly later this week, the action to sue the President will come on the floor. There will be plenty of time to debate on that.

Just one comment I would like to make. You mentioned bipartisanship, and I agree with you, there is not enough around here and there needs to be. In the end, you can never move the country forward sustainably without getting something that has support on both sides. So I agree on that.

But when I first got here almost 10 years ago, George W. Bush was President, and I saw a number of your colleagues, the Democrats, had a button that said "article I." I am like, what is that? They said: Well, this is to show that we, Congress, are article I in the Constitution, the executive branch is article II, and we believe that President George W. Bush is treading upon the rights enumerated in the Constitution that rightly belong to the first branch of government, Congress.

Now, we, Republicans, believe that the current President, President Obama, is doing the same thing.

Here is a place where I think maybe we can have some bipartisanship at some point. When George W. Bush was President you thought he went too far. Many of us probably did too, but didn't say so because of sort of party loyalty. Now we believe this President is going too far. I would wager to guess that some of your side believe that too but aren't saying so because of party loyalty.

At some point, Republicans and Democrats in this institution, in this body, need to protect its constitutional responsibilities.

Mr. PERLMUTTER. Will the gentleman yield?

Mr. CAMPBELL. How much time do I have remaining, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from California has 11½ minutes remaining.

Mr. CAMPBELL. I am happy to yield to the gentleman from Colorado.

Mr. PERLMUTTER. Mr. Speaker, I thank my friend.

The gentleman from California is absolutely right that to have sustainable

movement of this country forward, it does take both sides of the aisle—Republican side of the aisle and Democratic side of the aisle.

I would suggest to my friend that Democrats did not have control of the House, did not bring legislation, or litigation, if you will, against President Bush. And I would suggest to my friend, take a look at the number of executive orders that Ronald Reagan issued, that Bill Clinton issued, that George H. W. Bush, and George W. Bush issued, compared to President Obama.

I appreciate your willingness to let me speak and just get that in.

Again, I urge the passage of the Defense Production Act.

Mr. CAMPBELL. I thank the gentleman from Colorado.

I understand the point. Some individual Members, I believe, did introduce—the House didn't per se—but did introduce some charges, if you will, against President Bush.

The point I am simply trying to make is, each side of the aisle has felt that the rights under the Constitution of this institution have been trodden upon by a President of the other side of the aisle. What the right response to that is and what the right remedy to that is we can debate. I am retiring at the end of this year, so I am leaving all of this for you all. But as we grow the executive branch, as we add more departments, and we add more things, we continue to concentrate power there and take it away from here.

This place, for all its faults and foibles, and it has plenty of them, it is accountable to the people. It is accountable to the people in a way that the executive branch can't ever be. That is why we on a bipartisan basis, if it is not with this President then with the next one, we need to start clawing some of those rights and responsibilities back to article I of the Constitution.

With that, Mr. Speaker, I thank again the cooperation and involvement of my friends on the other side of the aisle for the Defense Production Act, and I would ask for its passage.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CAMPBELL) that the House suspend the rules and pass the bill, H.R. 4809, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MASSIE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

ENSURING PATIENT ACCESS AND EFFECTIVE DRUG ENFORCEMENT ACT OF 2014

Mr. PITTS. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 4709) to improve enforcement efforts related to prescription drug diversion and abuse, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4709

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ensuring Patient Access and Effective Drug Enforcement Act of 2014".

SEC. 2. REGISTRATION PROCESS UNDER CONTROLLED SUBSTANCES ACT.

(a) DEFINITIONS.—

(1) FACTORS AS MAY BE RELEVANT TO AND CONSISTENT WITH THE PUBLIC HEALTH AND SAFETY.—Section 303 of the Controlled Substances Act (21 U.S.C. 823) is amended by adding at the end the following:

"(i) In this section, the phrase 'factors as may be relevant to and consistent with the public health and safety' means factors that are relevant to and consistent with the findings contained in section 101."

(2) IMMINENT DANGER TO THE PUBLIC HEALTH OR SAFETY.—Section 304(d) of the Controlled Substances Act (21 U.S.C. 824(d)) is amended—

(A) by striking "(d) The Attorney General" and inserting "(d)(1) The Attorney General"; and

(B) by adding at the end the following:

"(2) In this subsection, the phrase 'imminent danger to the public health or safety' means that, in the absence of an immediate suspension order, controlled substances—

"(A) will continue to be intentionally distributed or dispensed—

"(i) outside the usual course of professional practice; or

"(ii) in a manner that poses a present or foreseeable risk of serious adverse health consequences or death; or

"(B) will continue to be intentionally diverted outside of legitimate distribution channels."

(b) OPPORTUNITY TO SUBMIT CORRECTIVE ACTION PLAN PRIOR TO REVOCATION OR SUSPENSION.—Subsection (c) of section 304 of the Controlled Substances Act (21 U.S.C. 824) is amended—

(1) by striking the last two sentences in such subsection;

(2) by striking "(c) Before" and inserting "(c)(1) Before"; and

(3) by adding at the end the following:

"(2) An order to show cause under paragraph (1) shall—

"(A) contain a statement of the basis for the denial, revocation, or suspension, including specific citations to any laws or regulations alleged to be violated by the applicant or registrant;

"(B) direct the applicant or registrant to appear before the Attorney General at a time and place stated in the order, but no less than thirty days after the date of receipt of the order; and

"(C) notify the applicant or registrant of the opportunity to submit a corrective action plan on or before the date of appearance.

"(3) Upon review of any corrective action plan submitted by an applicant or registrant pursuant to paragraph (2), the Attorney General shall determine whether denial, revocation or suspension proceedings should be discontinued, or deferred for the purposes of modification, amendment, or clarification to such plan.

"(4) Proceedings to deny, revoke, or suspend shall be conducted pursuant to this section in accordance with subchapter II of

chapter 5 of title 5. Such proceedings shall be independent of, and not in lieu of, criminal prosecutions or other proceedings under this title or any other law of the United States.

“(5) The requirements of this subsection shall not apply to the issuance of an immediate suspension order under subsection (d).”.

SEC. 3. REPORT TO CONGRESS ON EFFECTS OF LAW ENFORCEMENT ACTIVITIES ON PATIENT ACCESS TO MEDICATIONS.

(a) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs and the Director of the Centers for Disease Control and Prevention, and in consultation with the Administrator of the Drug Enforcement Administration and the Director of National Drug Control Policy, shall submit a report to the Committees on the Judiciary of the House of Representatives, the Committee on Energy and Commerce of the House of Representatives, the Committee on the Judiciary of the Senate, and the Committee on Health, Education, Labor and Pensions of the Senate identifying—

(1) obstacles to legitimate patient access to controlled substances;

(2) issues with diversion of controlled substances; and

(3) how collaboration between Federal, State, local, and tribal law enforcement agencies and the pharmaceutical industry can benefit patients and prevent diversion and abuse of controlled substances.

(b) CONSULTATION.—The report under subsection (a) shall incorporate feedback and recommendations from the following:

(1) Patient groups.

(2) Pharmacies.

(3) Drug manufacturers.

(4) Common or contract carriers and warehousemen.

(5) Hospitals, physicians, and other health care providers.

(6) State attorneys general.

(7) Federal, State, local, and tribal law enforcement agencies.

(8) Health insurance providers and entities that provide pharmacy benefit management services on behalf of a health insurance provider.

(9) Wholesale drug distributors.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. PITTS) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. PITTS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous materials into the RECORD on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. PITTS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before us today is important and necessary legislation to bring greater clarity to the requirements for the safe and secure distribution and dispensing of controlled substances to combat the abuse of prescription drugs. H.R. 4709, the Ensuring Patient Access and Effective Drug Enforcement Act, introduced by my colleagues, Representative TOM MARINO of

Pennsylvania, MARSHA BLACKBURN of Tennessee, PETER WELCH of Vermont, and JUDY CHU of California, will facilitate greater collaboration between industry stakeholders and regulators in an effort to combat our Nation's prescription drug abuse epidemic.

Safeguarding our prescription drug supply chain is important to protect against diversion and abuse of prescription medicines. H.R. 4709 will clarify key terminology in the Controlled Substances Act to give registrants a better understanding of their responsibilities under the law.

Further, the bill will allow DEA-registered companies to submit corrective action plans to address potential violations in the absence of an imminent danger, creating a more robust and meaningful dialogue about addressing drug diversion.

That should in turn curtail unnecessary supply chain disruptions that adversely affect patient access to much-needed medications.

Additionally, the legislation requires that a report be submitted to Congress by the Secretary of HHS in consultation with the DEA and other government and industry stakeholders about how collaboration between enforcement agencies and industry can benefit patients and prevent diversion and abuse.

Equally important, H.R. 4709 will improve enforcement efforts regarding the complex and challenging problem of prescription drug diversion and abuse. It will ensure patient access to necessary medications by creating a more collaborative partnership between drug manufacturers, wholesalers, retail pharmacies, and Federal enforcement and oversight agencies such as DEA and the FDA.

After hearings last April in the Health Subcommittee of the Energy and Commerce Committee, which I chair, we heard that a more feasible and practical solution to this serious problem of drug diversion and abuse is attainable, and those provisions are included in H.R. 4709. The legislation is supported by the National Community Pharmacists Association, the National Association of Chain Drug Stores, the Healthcare Distribution Management Association, as well as the Alliance to Prevent the Abuse of Medicines, among others.

I would like to acknowledge and thank my good friend, Congressman TOM MARINO, for his excellent work with this legislation. My friend from Pennsylvania is a former district attorney and former U.S. attorney. He understands the importance of law enforcement in this area. But he also understands that we will be more effective if we proceed in a collaborative, communicative, and transparent fashion. He has done excellent work here.

Mr. Speaker, by approving this legislation, we will be giving our Nation's law enforcement additional tools while protecting our patients and securing our drug supply chain in a reasonable, commonsense way.

I urge all of my colleagues to support this bill and vote for H.R. 4709.

I reserve the balance of my time.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, July 28, 2014.

Hon. FRED UPTON,
Chairman, Committee on Energy and Commerce,
Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN UPTON: On June 10, 2014, the Committee on Energy and Commerce ordered reported H.R. 4709, the “Ensuring Patient Access and Effective Drug Enforcement Act of 2014.” As you know, the Committee on the Judiciary was given an additional referral on this measure upon introduction. As a result of your having consulted with the Judiciary Committee concerning provisions of the bill that fall within our Rule X jurisdiction, I agree to discharge the Committee on the Judiciary from further consideration of H.R. 4709.

The Judiciary Committee takes this action with our mutual understanding that, by foregoing consideration of H.R. 4709 at this time, we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and that our committee will be appropriately consulted and involved as the bill or similar legislation moves forward. Our committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for any such request.

Finally, I would appreciate your response to this letter confirming this understanding with respect to H.R. 4709, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during consideration of the legislation on the House floor.

Sincerely,

BOB GOODLATTE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, July 29, 2014.

Hon. BOB GOODLATTE,
Chairman, Committee on the Judiciary, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN GOODLATTE: Thank you for your letter regarding H.R. 4709, the “Ensuring Patient Access and Effective Drug Enforcement Act of 2014.” As you noted, the Committee on the Judiciary was given an additional referral on this measure upon introduction, and I appreciate your willingness to discharge the Committee from further consideration of H.R. 4709.

I agree that this action is not a waiver of any of the Committee on the Judiciary's jurisdiction over the subject matter contained in this or similar legislation, and that the Committee will be appropriately consulted and involved as the bill or similar legislation moves forward. In addition, I understand the Committee reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and you will have my support for any such request.

Finally, I will include a copy of your letter and this response in the Congressional Record during consideration of H.R. 4709 on the House floor.

Sincerely,

FRED UPTON,
Chairman.

Mr. PALLONE. Mr. Speaker, at this time, I yield as much time as he may consume to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. Mr. Speaker, I thank the gentleman, and I endorse everything that the chairman just spoke about.

I am proud that the House is taking up this bipartisan action today to address an issue that impacts each of our districts, and that is prescription drug abuse.

I want to thank especially Mr. MARINO, who is using his experience to bring this legislation to the floor, and it was great working with him, Mrs. BLACKBURN, and also with Congresswoman CHU.

Vermont is facing an opiate epidemic. That is true in many States around the country. In addition to the alarming increases in heroin abuse, we have had admissions in Vermont for prescription drug abuse that have increased 361 percent from 2005 to 2013.

As we have seen in my State, we are most effective in dealing with this public health crisis when everybody who has a stake in this works together. That is the collaborative approach that Mr. PITTS mentioned. That has got to be the providers, the public health officials, law enforcement, distributors, pharmacists. They have all got to come together to tackle this problem.

If we don't have flexibility and collaboration we can do something that might make enforcement tighter, but access to legitimate prescription drugs tougher. So the goal here is to get the balance right. We want to help folks get access to the prescription medication that they need. It alleviates suffering and it eliminates pain, but we want to make sure that the enforcement is solid so there isn't the abuse.

Today, distributors, like Burlington Drug Company in Vermont, and local pharmacies face very unpredictable enforcement from the DEA. DEA has a job, but so do the drug distributors and the doctors. That inconsistent enforcement—that unpredictable enforcement, I should say—can lead to disruptions in the supply chain, which end up limiting patient access to legitimate prescription drugs.

□ 1445

The Ensuring Patient Access and Effective Drug Enforcement Act will encourage collaboration between law enforcement, members of the supply chain, and public health providers and officials, while ensuring that patients have the access to the treatment their doctor has prescribed.

So this is, as you mentioned, Mr. PITTS, common sense. It is collaboration. It is working together and having mutual respect that each entity in this process has its own job to do, but for all of us to do it together, we have got to work together and communicate.

It has been great to work with Representatives MARINO, BLACKBURN, and CHU on this bill. I thank them for their leadership. I want to also thank Chairman UPTON and Ranking Member WAXMAN for their leadership, and, of course, Mr. PALLONE and Mr. PITTS.

I urge my colleagues to support H.R. 4709.

Mr. PITTS. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN), vice chairman of the Energy and Commerce Committee and another leader on this issue.

Mrs. BLACKBURN. Mr. Speaker, I want to thank the chairman for his work on this issue and for working with Congressmen MARINO and WELCH and Congresswoman CHU as we sought to move the issue forward. We also thank Chairman UPTON for working with us as we brought the issue forward.

The gentleman from Vermont mentioned the epidemic and the widespread abuse that is taking place in prescription drugs and the need to do something about that. We all agree on this, and here are some stats that really back this up and show why it has become an epidemic.

In 2013, more people died in the U.S. from prescription drug abuse than from heroin and cocaine combined. Deaths involving prescription pills quadrupled between 1999 and 2010.

In 2012, the number one cause of death in 17 States was prescription drug abuse. In 2008, more than 36,000 people died from drug overdoses. Most of these deaths were caused by prescription drugs. That 36,000 number isn't a number to be taken lightly. It is associated with names and faces and serves as a stark reminder to every family member who has lost a loved one to an overdose.

More can and must be done to treat this growing epidemic. That is why we have all worked together on H.R. 4709, the Ensuring Patient Access and Effective Drug Enforcement Act of 2014. Our bill seeks to facilitate greater collaboration between industry stakeholders and regulations in our Nation's effort to combat prescription drug abuse.

There are three things that we set out to accomplish in this bill. Number one is to provide clarity to the phrase "imminent danger to the public health or safety" to ensure the law is crystal clear for both the DEA and legitimate businesses who want to understand what the rules of the road are, so they can do the right thing. Definitions matter and have real consequences.

Number two is require the Secretary of HHS to consult with industry players in the pharmaceutical supply chain; key regulatory agencies; Federal, State, local, and tribal law enforcement agencies; and public health experts to create a report to come to Congress within 1 year of enactment.

Number three is establish procedures for companies registered with the DEA to work together to develop corrective action that addresses concerns and clarifies key terminology in the Controlled Substances Act, so that everyone knows and has a better understanding of how to comply with the law.

This bill will not solve every problem that prescription drug abuse faces. It is

one that is important that we take this meaningful step. It is a good step.

Congressman MARINO, who has led on this issue, is to be commended. We have appreciated the opportunity to work with him to address what is an epidemic in so many of our communities and States.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4709, the Ensuring Patient Access and Effective Drug Enforcement Act of 2014. This bill would help prevent prescription drug abuse, establish clear and consistent enforcement standards, and ensure patients have access to needed medications by promoting collaboration between government agencies, patients, and industry stakeholders.

It will help drug distributors and others work with the Drug Enforcement Administration to keep controlled substance prescription drugs out of the hands of drug abusers. It will also help them avoid inappropriately limiting legitimate access to these same drugs by patients who need them. Achieving that balance is a difficult challenge.

H.R. 4709 would provide definitions in the Controlled Substances Act for the phrases "consistent with the public health and safety" and "imminent danger." It also would require the DEA to provide registrants an opportunity to submit an action plan to correct any violations of law or regulation for which DEA is considering revoking or suspending their controlled substance.

It would require FDA, in consultation with DEA, to submit a report to Congress 1 year after enactment on collaborative efforts to benefit patients and prevent diversion and abuse of controlled substances.

I want to commend Energy and Commerce members MARSHA BLACKBURN and PETER WELCH, as well as Representatives TOM MARINO and JUDY CHU, for their sponsorship of this bipartisan legislation. Of course, I also thank my colleagues, Chairman UPTON, Chairman PITTS, Ranking Member WAXMAN, and all other staff who have all been instrumental in bringing H.R. 4709 to the floor today.

I urge my colleagues to join me in supporting this legislation, and I yield back the balance of my time.

Mr. PITTS. Mr. Speaker, I am pleased to yield such time as he may consume to my friend, the gentleman from Pennsylvania (Mr. MARINO), the leader on this issue.

Mr. MARINO. Mr. Speaker, in early 2013, a pharmacist told me about problems he was having accessing necessary prescriptions for his customers, many of whom were older cancer patients suffering with chronic pain.

What started out as a simple conversation with a constituent soon turned into serious concerns about problems in the prescription drug supply chain, problems that we aim to address here today by passing H.R. 4709, the Ensuring Patient Access and Effective Drug Enforcement Act.

Any legitimate business involved in distributing or dispensing prescriptions welcomes appropriate oversight and regulation. Further, we know these businesses value a collaborative working relationship with agencies like the Drug Enforcement Administration.

Manufacturers, distributors, and pharmacies alike are on the front lines every day in the fight to end the prescription drug abuse epidemic. They are making efforts to educate prescribers and patients about the safe use and disposal of prescriptions and working to implement prescription drug monitoring programs that will reduce the illegal diversion of powerful opioid pain relievers.

Despite a strong commitment to being part of the solution, distributors and pharmacists are finding that the unnecessary adversarial regulatory environment created by the DEA is putting effective enforcement outcomes in jeopardy.

As a former district attorney and United States attorney, I have fond memories of working with DEA agents to put away drug dealers. To say that I have the highest regard for the DEA and the work they do does not even begin to convey my respect for the agency and its front-line employees.

I actually went with agents and busted down drug houses. They were watching my back. I trusted them then, and I trust them now. That is why I am so passionate about this subject and why I think it is necessary to pass H.R. 4709 today.

This bill will bring much-needed clarity to critical provisions of the Controlled Substances Act. In doing so, we will ensure that the DEA's authorities are not abused and threatened by future legal challenges; foster greater collaboration, communication, and transparency between the DEA and supply chain; create more opportunities to identify bad actors at the end of the supply chain; and, most importantly, be certain that prescriptions are accessible to patients in need.

We are all in this together. We cannot enforce our way out of this epidemic. Education, treatment, and enforcement are all critical to addressing the problem, but so is collaboration.

The clarity that H.R. 4709 brings will ensure that the current regulatory culture evolves into one that rewards cooperation and brings more successful diversion control efforts in the future.

I want to thank my friend, Congresswoman BLACKBURN, for working closely with my team and me to develop the bill. I want to thank our champions on the other side of the aisle, Dr. JUDY CHU and Representative PETER WELCH, for their leadership and efforts to bring us here today.

We could not have achieved this without the efforts of Chairman PITTS and Chairman UPTON and their staff on the Energy and Commerce Committee. I also must thank House Judiciary Committee Chairman GOODLATTE for his forthright suggestions that made

this a more effective measure worthy of consideration by this House.

Mr. PITTS. Mr. Speaker, I urge all of my colleagues to support this bipartisan legislation, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCCLINTOCK). The question is on the motion offered by the gentleman from Pennsylvania (Mr. PITTS) that the House suspend the rules and pass the bill, H.R. 4709, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Pate, one of his secretaries.

21ST CENTURY ENDANGERED SPECIES TRANSPARENCY ACT

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill, H.R. 4315.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 693 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 4315.

The Chair appoints the gentleman from Illinois (Mr. RODNEY DAVIS) to preside over the Committee of the Whole.

□ 1457

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 4315) to amend the Endangered Species Act of 1973 to require publication on the Internet of the basis for determinations that species are endangered species or threatened species, and for other purposes, with Mr. RODNEY DAVIS of Illinois in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Washington (Mr. HASTINGS) and the gentleman from Oregon (Mr. DEFazio) each will control 30 minutes.

The Chair recognizes the gentleman from Washington.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to bring before the House legislation that would

help update and improve the Endangered Species Act, a law that was passed initially 40 years ago, but has not been reauthorized since 1988.

H.R. 4315 melds together four commonsense and focused bills introduced earlier this year by myself and my colleagues, Mrs. LUMMIS of Wyoming, Mr. NEUGEBAUER of Texas, and Mr. HUIZENGA of Michigan. While respecting the original intent of the ESA to conserve species, this bill would help make the law more effective for both species and people.

□ 1500

Because of the more than 500 ESA-related lawsuits that have been filed against the government during this administration alone, it has become clear that costly litigation is not only driving ESA priorities but that litigation has become an impediment to species recovery.

I should also note that, regardless of what some groups are saying, this is not a comprehensive bill. It is four sections that aim to increase transparency; to enlist greater consultation by States, localities, and tribes; and to reduce taxpayer-financed attorneys' fees to help invest more funding in actual species recovery.

For example, section 2 of the bill requires data used by Federal agencies that decide which species should be added to the threatened or endangered list to be publicly available and accessible through the Internet. What a remarkable idea—transparency. The last significant update to the ESA was when the Internet was in its infancy stages. Posting data supporting key ESA decisions online will greatly enhance transparency and data quality. The American people should be able to access such data before Federal listing or delisting decisions are final.

It is troubling that hundreds of sweeping listing decisions by the Fish and Wildlife Service and the National Marine Fisheries Service cite unpublished studies, professional opinions, and other sources that are inaccessible to the public, yet this data would be used to regulate the very people who don't have access to this information. This secrecy goes against the grain of good science and transparency. Data transparency is not only good for the American public, in that it makes our government more accountable, but it is also good for species because it allows for an open conversation about improving species science.

As biologist Rob Roy Ramey testified at a Natural Resources Committee hearing:

When the data are not publicly accessible, legitimate scientific inquiry and debate is effectively eliminated, and no independent third party can produce the results. This action puts the basis of some ESA decisions outside the realm of science, and species recovery is no better off. Withholding data does not further the goal of species recovery.

I couldn't agree more with that statement, especially when over 700 species could potentially be listed over

the next few years throughout the country. These potential listings are due to this administration's megalaawsuit settlement with the Center for Biological Diversity and WildEarth Guardians, groups, I might add, Mr. Chairman, that have filed hundreds of lawsuits against the government at taxpayer expense.

One of these species could include the northern long-eared bat, and I have a map here to show. This listing could impact 39 States. As you can see, Mr. Chairman, it is nearly all of the Eastern States. Information on data when it comes to this species listing can only help and not hurt. The bill before us today fosters the release of this information.

Section 3 of the bill would enhance State, local, and tribal involvement in ESA decisions by requiring that, before any listing decision is made, the Federal Government must disclose its data to States affected by such actions. In addition, section 3 ensures that data from local, State, and tribal entities—those are the entities that are closest to the ground, Mr. Chairman—be factored into ESA listing decisions.

Section 4 would require the administration to track and make available online the costs, in time and in resources, to the taxpayers as a result of ESA-related litigation.

Finally, section 5 would seek to reduce taxpayer-financed attorneys' fees to help ensure Federal resources are focused more on species protection and recovery than on lucrative legal fees for serial litigants. Such fees now, Mr. Chairman, are awarded as high as \$600 an hour. This provision in section 5 puts in place the same reasonable hourly caps on attorneys' fees used in another Federal law—the Equal Access to Justice Act—which deals with veterans, Social Security disability, and other such claims.

Mr. Chairman, H.R. 4315 starts with modest, sensible updates to the ESA by promoting transparency, greater State, local, and tribal involvement, and by bringing ESA litigation fees in line with another Federal law.

With that, I reserve the balance of my time.

Mr. DEFAZIO. Mr. Chairman, I yield myself such time as I may consume.

I rise today just before Congress goes on a 5-week recess for the entire month of August and the first week of September. During that time, we will celebrate Labor Day. There are a lot of reasons to celebrate Labor Day, but it has particular context to this debate today.

One hundred years ago this Labor Day, Martha died.

Now, perhaps not everybody here knows about or has heard about Martha. Martha was the last passenger pigeon. She died in the Cincinnati Zoo. None of us remember passenger pigeons, but they were in numbers so great—billions—that they would darken the sky for hours or days as they passed. Yet, within a very short period

of time, they became extinct. I believe she is stuffed and on display at the Smithsonian. I think they have a special exhibit on this that I would recommend to people to remember the way things used to be.

We did then, 50 years later, pass the Endangered Species Act. So this is kind of symmetrical in that, 100 years ago, there was the last passenger pigeon, and 50 years later, we adopted a law to try and preserve species. I think the most eloquent words I have ever heard on endangered species were from Justice Douglas on the Mineral King decision. This doesn't do all of his decision justice, but here is just one sentence:

When a species is gone, it is gone forever. Nature's genetic chain—billions of years in the making—is broken for all time. Conserve water. Conserve land. Conserve life.

Then he went on to speculate about what might be lost with any individual species, what potential it might have had. Could it cure cancer? If we lose these species, who knows?

So Congress 50 years ago—in a very different time and in a very bipartisan way—passed the Endangered Species Act.

Today, we have before us yet another missed opportunity. I am not going to look at the Endangered Species Act and say it is perfect. It isn't. I believe a 50-year-old law could use some revision. A lot has been learned. A lot of real science has changed in the interim, in particular, the individual listing of species, and particularly when they occupy the same space. It becomes very problematic, as opposed to taking more of an ecosystem-based approach. There are some who are modifying the whole idea of how we deal with critical habitat, but that is not before us today. It wasn't considered by the so-called “working group” of the committee or “special group” or whatever it was.

They concluded that the Endangered Species Act is a failure because it hasn't recovered enough species. They did leave out a little fact that 90 percent of the species that are listed are recovering at the rate specified in their Federal recovery plans. This doesn't happen instantaneously. There are years of degradation of environment, years of overharvesting or of overhunting. Those things don't get changed in a short period of time, but 90 percent are on target. They left that out probably because it didn't support their conclusion that the act just isn't working at all.

We have an estimate, actually, that without the Endangered Species Act passed by a more enlightened Congress—bipartisan—50 years ago, there would be 227 species that would have gone extinct since the law's passage. They include gray wolves—although, there are some trying to turn around that recovery effort, including some in this administration—green sea turtles, humpback whales, and, of course, the iconic bald eagle. Without the Endan-

gered Species Act, they, in all probability, would all be extinct, a memory for our generation—gone.

As I said, it is not perfect, and I think there are changes we could make. It is truly a deliberative process in the committee, but that wouldn't be just a small group from one side of the aisle going around the country, holding so-called “hearings” or “listening sessions.” We could assure greater transparency in ways that weren't considered and won't be proposed here today. We could promote better the use of best science. We could improve cooperation and coordination with the States that are committed to species protection and recovery.

However, none of the legislation before us will do that. It will do nothing to improve species recovery. It will do nothing to improve the science underlying listing decisions. Instead, actually, contravening what the Republicans espouse to wish, these bills will, instead, increase the amount of red tape that is involved, create more reporting requirements, divert agency resources from recovery efforts, and most oddly—and, I think, perhaps, it is the oddest and most objectionable and nonsensical part of this legislation—it will deem that any data submitted by any Native American tribe, any city, county, or State, will be deemed to be the best available science.

Now, there are 16,000 counties in America. Let's say a couple of them come to a different conclusion. Suddenly, the agency is confronted with: we have the best available science from this county, and we have the best available science from this county, and we have the best available science from this county. Hmm. Wow. Haven't we created an unbelievable potential for litigation over any decisions that are made given that mandate? I think we have. Of course, that may be why they go on later in the bill to limit attorneys' fees—because they are anticipating that there will be a huge proliferation of litigation, and they want to mitigate the costs of the problem that they are going to create with this nonsensical “this is the best available science.” I think it is going to create a lot of tension, potentially, between States and counties—rural counties and urban counties—because they are all vying to submit the best available science.

Here we are, yet again, taking up time on the floor, and I guess we need to do that before we get to real things, like the suing of the President of the United States despite the fact that courts have definitively decided we can't do that. We have political tools, and it is a controversy, but that is not before us today—that is tomorrow—so we are trying to kill time to build up to that end just before we go off on recess. But I am going to raise another topic, and it is a bit sensitive.

About 12 years ago, I had massive fires burning in my district—the Bisquit Fire—and the committee just happened to be holding a hearing on

wildfires. It devolved into the usual partisan “you go to your corner, and I will go to mine. We need to do a forest supplemental. We need to do this.” As sometimes I do, I expostulated a bit in the committee, and I went and used my entire 5 minutes to say how wrong I thought this was and that I thought fires were very bipartisan in their destruction and that we should cut it out.

A few Members—oddly enough, from very different perspectives—came to me afterwards. That would have been GEORGE MILLER. It is predictable that GEORGE would side with me, but also we had Scott McInnis, we had John Shadegg, and, ultimately, we had GREG WALDEN involved. We sat down, and we hammered out something that, ultimately, didn’t pass through the House, but our framework was adopted by the Senate—HFRA. Then it came back to the House and was adopted. It was an attempt to expedite fuel reduction and prevent the intensity of future fires.

I look at that as a model of how we should deal with fires. We do need to do more fuel reduction work, and we do need to do more preparation and prepositioning, but we also have to fight the fires that are burning today.

□ 1515

Now there is the rarest of rare things in Washington, D.C., even rarer than the rarest endangered species, which would be a bill which is bipartisan. I guess a lot of people don’t know what that means anymore.

It means it is supported by both Democrats and Republicans, bicameral, by both Democrats and Republicans in the House and in the Senate in substantial numbers, and is supported by the President of the United States.

Now, that is a pretty endangered thing. It has been around for quite a number of months. We have yet in the House. And it is a bill that is designed both to mitigate for future fires and to more efficiently fight fires.

The agencies that are tasked with fighting fires are about to run out of money. It happens every year. Who cares if they run out of money? Well, they have got to keep fighting the fires.

All right. Well, what do they do? They gut all their other programs—including the fuel reduction program, the forest health program, the timber program, the recreation program—things that are going to bring about more intense and more fires in the future and impact anybody who has a national forest or interior lands in their State or their area.

Now, this bill has yet to have a single hearing or any consideration, except for a mention in the Ryan budget which said he didn’t support it. That is it. That is the total action by the House of Representatives on this issue. That is very sad. That is what we should be here on the floor today considering.

There are, as of this moment—I just checked it out because it is worse

every day. We have, currently, nationally, 25 major fires: seven in Oregon—these are all uncontained or partially uncontained—six in California; four in Washington, including the largest in the State’s history; three in Utah; two in Idaho; one in Colorado; and phenomenal lightning storms are predicted over the next 2 days, which means many, many, many more fires. Yet Congress is going to pass, I expect the House will pass, this ESA, so-called ESA bill today and leave town without dealing with the firefighting issue. I think it is very sad.

Now, some say, well, we have already done our job. We passed a bill, a couple of bills, a number of bills that could deal with forest health, future mitigation, fuel reduction. That is true. But even if they became law today, they wouldn’t deal with today’s problem that the agencies are going to run out of fire. And even if they became law today, it would take many years to get there.

I have got some pretty good estimates. We have somewhere around 75 million acres of land at high risk of wildfire in the West. And if we use the most conservative possible estimate, one that estimates there is a lot of commercial value there that reduces thinning cost, one that assumes that there is a lot of biomass available that is economic, you could get it down to, say, \$300, \$500 an acre. Well, that would be \$20 billion to go out and do that work. We are about to spend the paltry budget for this year, \$300 million for fuel reduction on fighting current fires. So we aren’t exactly getting there.

It is a real issue, and that is what we should be dealing with here today.

Mr. Chairman, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 3 minutes to the gentleman from Texas (Mr. NEUGEBAUER), who is the author of one of the provisions within this bill.

Mr. NEUGEBAUER. Mr. Chairman, I rise today in strong support of H.R. 4315, the 21st Century Endangered Species Transparency Act.

I also want to thank Chairman HASTINGS for all of the work that he has done on this issue, and I also want to thank him for inviting me to be a part of the ESA Working Group and for including my bill, H.R. 4317, the State, Tribal, and Local Species Transparency and Recovery Act, in the final version of this bill.

In the 19th District, we have been facing a lot of these issues with the Endangered Species Act. We had the lesser prairie chicken. We had the Dunes Sage Lizard and some of the areas dealing with minnows. But one of the things that this bill does in the part of the bill that I introduced is something that is very simple and straightforward and very commonsense, and that is to say we need to make sure, before we make some of these decisions, that we have the facts.

Now, that is kind of a novel idea. When we have a lawsuit, everybody

gets to present the facts. And so what we are saying, and when we begin to go down the road of listing, causing millions of dollars’ worth of expense and, in some cases, encumbering millions of acres of private property, we need to deal with the facts.

Now, why are we bringing this bill up? Well, it has been pointed out that this bill is like over 40 years old and over 1,500 species have been listed, and only 2 percent of those have been recovered.

Now, imagine going to a doctor and you say: Doctor, what is your outcome ratio? He says: 2 percent of the time I have good outcomes. Or imagine buying a product where you say this product works 2 percent of the time. So, basically, the ESA, Endangered Species Act, does need reform, and my bill, this bill, begins to do that.

What does it do? It just says that when the Federal Government has collected data and they are making the decision, they have to make all of the findings, all of the data that they used to reach that decision available to the States and local governments and to the stakeholders.

That seems fair to me.

The other thing it says is that the local stakeholders and the local State governments and the local county governments have the right to present their facts.

Now, one of the things that is important about that is that, I know a lot more about Lubbock, Texas, than maybe somebody that lives in the State of Oregon or the State of New Jersey. So that local knowledge of the habitat, the conditions is an important part of the data.

So when you are dealing with the facts, then I think we are going to have better outcomes. And if that is the goal of the Endangered Species Act, then why are we trying to suppress the facts? I don’t get it. So that is the reason that this is an important part of that.

I notice that the gentleman mentioned that he thinks that this bill somehow dictates what is the best science. Not true. What it says, though, is that all of the data that they collect they have to present to the other stakeholders. What it also says is that the data that the stakeholders and the county and local and State governments present, they have to consider that data.

The CHAIR. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman an additional 15 seconds.

Mr. NEUGEBAUER. Now, if somebody has got a study about what they think the conditions in Lubbock, Texas, are, we think the people on the ground in Lubbock, Texas, or in west Texas probably have better information and ought to be a part of that consideration.

I encourage my colleagues to support H.R. 4315.

Mr. DEFAZIO. Mr. Chairman, I yield myself 1 minute.

The gentleman made a point with which I would agree, which is they should consider and give due weight to local submissions and people in the area. But unfortunately, and perhaps the gentleman is unaware, this bill elevates that, and it does say all science submitted by States, tribes, and local governments is, by definition, the best scientific and commercial data. Then, if you refer back to the law, under basis for determinations on endangered species and a number of other things, the Secretary shall rely on the best scientific and commercial data.

Well, now, suddenly everybody who is submitting something has the best commercial and scientific data, and the Secretary is somehow supposed to sort out between 10 different counties, five States, 14 cities, and 18 Indian tribes who all have different disagreeing best available commercial data and science. You are creating a standard which, given the existing law which you didn't change, is going to be impossible to meet.

Mr. Chairman, I yield 4 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN. Mr. Chairman, first of all, I want to associate myself with my good friend from Oregon. I agree completely with everything he said, and I am going to agree with our subsequent speaker, Mr. MILLER, who played an essential role in getting the original Endangered Species Act passed. It has been wildly successful, Mr. Chairman, preventing species extinction.

More than 99 percent of listed species still exist today. Species recovered under the Endangered Species Act are also off the charts. The latest analysis found that 90 percent of listed species are recovering at the rate specified by their Federal recovery plan.

Successful species delistings are also increasing—delistings. Five years ago this month, the Fish and Wildlife Service finalized its rule to remove the bald eagle from the endangered species list. What a success story.

But for those who want to open up even more of our public lands to resource extraction, the law is a major inconvenience. So a working group, comprised entirely of Republican Members of the House of Representatives, was established by the House leadership to come up with legislative proposals to weaken the act. Today's bill is drawn directly from those recommendations.

It would deem whatever data that States, local governments, and Indian tribes submit to the Federal Government as the best available science.

It would undermine the ability of public citizens to contribute to the efficacy of the act, and it would compel the Fish and Wildlife Service to put online all data, regardless of merit, regardless of whether it contains proprietary or private information, and notwithstanding the fact that to do so will

provide poachers and criminals with a road map to further endanger endangered species.

Mr. Chairman, the net effect of this bill before us today would be to force the Service, the Fish and Wildlife Service, to squander its limited conservation resources on meritless requirements to become tied up in legal challenges and to diminish its ability to protect endangered species.

I guess if this body can outlaw Federal agencies from using scientific findings related to climate change in their decisionmaking process, then it is no stretch of the imagination for this body to define what constitutes best available scientific and commercial data.

This bill states that data submitted by a State, tribal, or county government is automatically deemed as the best available scientific and commercial data. The quality of the data is immaterial. What matters is who is sending it.

Let me say that again a different way. The quality of the information that State, tribal, and local governments submit is irrelevant under this bill. The bill says it shall be deemed the best available scientific and commercial data. The Fish and Wildlife Service would be required to include this data, even if it is not the best, even if it were not developed by scientists, even if it were developed for purely commercial purposes, and even if it is contrary to fact. The Service would be forced to include it and it will, thus, alter its decisions on listings, recovery plans, and other policies related to the conservation of endangered species.

It is also unclear how the Service would resolve a situation where States, tribal, or county governments submit conflicting data.

This is no hypothetical situation. During hearings on the Endangered Species Act, one of the witnesses, a Mr. Tom Jankovsky, Commissioner of Garfield County, Colorado, was very critical of State officials for the information they were providing the Bureau of Land Management on sage grouse habitat.

The CHAIR. The time of the gentleman has expired.

Mr. DEFAZIO. I yield the gentleman an additional minute.

Mr. MORAN. Commissioner Jankovsky found the State maps inaccurate, overstating the area of sage grouse habitat. The map he commissioned for Garfield County showed 70 percent less habitat for sage grouse.

Whose map should the Federal Government accept as the best available science, the Colorado State map or Garfield County's? This bill gives equal weight to both.

Mr. Chairman, this is a bad bill, and no amendment can make it a good bill. It should be rejected.

Rather than addressing some of the compelling challenges that this Nation is confronting, we are wasting time on

a bill that may pass the House but will go nowhere in the Senate and certainly will not become law. I urge its defeat.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman from Michigan (Mr. HUIZENGA), an author of another provision of this bill.

Mr. HUIZENGA of Michigan. Mr. Chairman, I rise in support of H.R. 4315, and I appreciate my colleague from urban northern Virginia for his insight on the Endangered Species Act. But those of us from more rural areas actually understand that the challenges that are presented in this law as it currently stands beg for reform.

This bill contains important reforms to the act, and it has been authored by Chairman HASTINGS, Congresswoman LUMMIS, Congressman NEUGEBAUER, and myself. Within that is a provision that I had authored, which is common-sense legislation that makes the Endangered Species Act consistent with current law.

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It reforms the ESA litigation process while enhancing wildlife preservation, improving government efficiency, and protecting taxpayer dollars. And I know that is something that my colleagues on the other side have expressed, they are concerned with wasting precious dollars that have been appropriated to the EPA.

Well, for too long, litigating attorneys have taken advantage of the Endangered Species Act, raking in millions of taxpayer-funded money. In many ESA cases, lawyers' fees climb as high as \$300, \$400, or even \$500 an hour, with hardworking American taxpayers left to foot the bill.

In fact, I have a 2013 quote here from David Hayes, the Deputy Secretary of the Interior, who was so concerned about this waste of resources, that he said this: "My major concern is timing, resources needs, the fact this has been fish-in-the-barrel litigation for folks who, because there is a deadline and we miss these deadlines and so, we've been spending a huge amount of, in my mind, relatively unproductive time funding off lawsuits in this arena."

And I couldn't have said it better.

But even worse, these rates can be awarded in cases where the Federal Government has settled with these groups that may not have even prevailed in the court system. This does absolutely nothing to benefit the species or the people and is not productive. My section of the bill seeks to remedy this unconscionable problem.

Currently, the Equal Access to Justice Act limits the hourly rate for prevailing attorney fees to \$125 per hour for veterans, small businesses, and the Federal benefit recipients. So it is time that we apply the same cap to the ESA citizen suits as well.

So in times of tight fiscal budgets and escalating national debt, taxpayer dollars should be prioritized for the protection and recovery of species, not

lining the pockets of highly priced lawyers.

With that, Mr. Chair, I urge my colleagues to vote in favor of H.R. 4315 and for the commonsense updates that are so desperately needed.

Mr. DEFAZIO. Mr. Chair, I yield myself 1 minute.

Well, tomorrow I fully expect the Republicans to prevail on the floor of the House to authorize litigation against the President of the United States for nonjusticiable controversy, all per all the previous precedents of the court.

I would note they spent \$525 an hour on attorneys to defend the indefensible Defense of Marriage Act, which was ultimately found unconstitutional. And I expect they will spend well over \$500 an hour for a nonjusticiable political stunt suing the President.

But beyond that, during this Congress, the requests, subpoenas, et cetera, by the committee to the Department of the Interior for purported conspiracies, which have yielded nothing, cost \$2.5 million. The total award to attorneys was \$1.7 million. So if we reined in the subpoenas a little bit, you could save more money than by limiting the attorneys and people's access to justice.

With that, I yield such time as he may consume to the gentleman from California (Mr. MILLER).

Mr. GEORGE MILLER of California. Mr. Chair, I thank the gentleman for yielding the time, and I thank him for his defense of the Endangered Species Act. And I thank him for how he administers his position as the ranking member of the Resources Committee.

This is an old argument. We have been around here time and again. Time and again, people who don't like the Endangered Species Act have tried to put their thumb on one side of the scale of justice whenever these arguments come forward. They have tried to empower junk science and give it the status of thoughtful, proven science to get in.

But now they are suggesting that the science would be based upon the party that submits it. If the right parties—if a local entity submits it, then it will be judged as the best science. Whether or not it is science at all won't matter. It will simply be deemed that by the Congress of the United States, and the Department will have to follow that.

That just, obviously, takes you right back to the courtroom, where they now inspire litigation. When the citizens want to sue, then the citizens will have to go back to the courtroom because they have deemed junk science as real science. And then they will try to limit the amount that the citizens can be compensated in terms of their lawyers.

And yet, as the gentleman from Oregon just pointed out, they are going to spend millions of dollars suing the President of the United States, and they are not going to pay for any of it. They are going to charge it to the deficit. They will charge it to the deficit. So how is this justice coming out of the House of Representatives?

The fact of the matter is, the Endangered Species Act has been effective. It has worked. It saves species. It has returned species off of the list. And the American people truly support it in great numbers. They truly support it in great numbers because they recognize that this is about one generation taking care of what we inherited and passing it on to another generation. People are most often pleased with the public spaces that have been preserved to protect it, to protect the various species.

Has every decision been exactly right? Of course not. And that is why people go to court on both sides of the law.

Nobody is suggesting that you limit it equally. This is a question of the science being used and who gets a leg up in that argument in the courts, which leads to more litigation. So the idea is that you are trying to get away from litigation.

But the fact of the matter is, the fact of the matter is that this is an act that has caused us to pause and wait and think about what we are doing, and what the impact of that is, whether that is development, whether that is forced practices, whether that is public infrastructure. Whatever it is, what is the impact beyond that project? And is that adverse and is it detrimental to these species? Is it detrimental to the health of the neighborhoods, to the health of the communities? And very often, the Endangered Species Act has resulted in better projects being designed, very often better projects being designed because of those considerations, more sustainable projects being designed because of those considerations.

But the fact of the matter is, many people just hate the Endangered Species Act. So we come here Congress after Congress with these meat-ax approaches.

I spent one of the longest negotiations on a bipartisan basis trying to arrive at a conclusion on a section of the Endangered Species Act. In the eleventh hour, my Republican partner, the chairman of the committee, walked out the door. I don't know why that happened. It wasn't communicated, but that was that. That morning, we were supposed to have a press conference to announce the agreement, but it never happened. With the hours and hours that were spent, I thought we had reached a good agreement between those areas.

But the idea of frustration builds up, and you can just swing away at the Endangered Species Act. Yes, it is very popular, and it can be very controversial.

I am more concerned about what local agencies do in the name of endangered species sometimes when they ask for mitigation that I find is very unfair, that I have complained about, that I have written the agencies about.

I think very often, it is not so much the Federal protection of endangered

species. Very often, it is people who then want to use it at another level of government to extract from developers, from land use, for the purposes of mitigation that I think is hard to justify.

And I would just hope that, once again, this Congress would use its good judgment, it would support the American people, it would support the Endangered Species Act, and it would, in fact, reject this legislation.

This is really bad legislation, and you can't pretend that you care about science and at the same time say you get to deem the best science based upon the party of submission.

I have fought with agencies to get the science that people have worked on, that universities have worked on, introduced into the discussion. I have never suggested that they would have to accept it as the best science. I thought it would broaden the discussion. I thought it would bring another consideration to those debates.

So this is a bill that should be rejected, and the gentleman from Oregon is quite right. I would have been so much happier spending our time here on the floor today dealing with the issue of wildfires, and not just those wildfires that are burning in California today, but by all projections, we are already ahead of the worst wildfire seasons this year already, and we expect it to get much worse with the persistence of this drought. And as the chairman and ranking member know, in those three States, we are way out ahead here on wildfires, and I wish at some point, we would make a decision that we could deal with these in an institutional fashion so that the firefighting assets would know what is available to them. We wouldn't scramble around. We wouldn't put other agencies in jeopardy by stealing money from their accounts. But we would deal with this in an adult fashion. We would set aside money for the purposes and replenishment of that money to fight wildfires because the alternative cannot be not to try to control this wildfire and stop the damage that they do both to the natural environment and to the private environment and the local economies that are so severely impacted by the aftermath of those fires.

But we are not going to do that. We are just going to stand up here and take another meat-ax approach to the Endangered Species Act, which is going to be unsuccessful, in the time we could have been talking about wildfires, in the time we could have prepared for the remainder of this wildfire season, giving notice to State agencies, to local agencies, to our Federal agencies on what they can do to prepare and the assets that they can have in place for those wildfires. We have missed that opportunity today in the name of this continued attack on the Endangered Species Act, which the American people have rejected over and over. And fortunately, this Congress has rejected over and over.

Mr. DEFAZIO. I would inquire of the time remaining on both sides.

The Acting CHAIR. The gentleman from Oregon has 3½ minutes remaining. The gentleman from Washington has 18¾ minutes remaining.

Mr. DEFAZIO. I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 3 minutes to the gentlewoman from Wyoming (Mrs. LUMMIS), another person who is the author of another section of this bill.

Mrs. LUMMIS. Mr. Chairman, I thank the chairman of the House Natural Resources Committee for working with us on this working draft.

I also support the Endangered Species Act, and I rise in enthusiastic support of the Endangered Species Act and enthusiastic support of this bill because this bill embodies much of the ethos that the American people have embodied during the years the Endangered Species Act has been in effect.

This act was passed in 1974 with goals that were admirable and goals that the people of this country have embedded in their DNA to achieve. To conserve species, to have habitat for species so we can have rich, diverse populations of flora and fauna.

This bill will help those goals because we will know what science is being used to base these decisions upon. Right now, science that is undisclosed is being used. Right now, we have tribal governments, county governments, and State governments, through these incredibly impressive wildlife agencies, who have had this ethos embedded in them since they were little kids, trying to administer these laws, trying to save these species.

We want their knowledge shared with the U.S. Fish and Wildlife Service. We want to know what science is being used to make these decisions so it can be vetted by third parties, so people who have specialized scientific knowledge about a habitat area or a subspecies can share that knowledge with agencies so that we are not making decisions with litigants behind closed doors with no public input by the people whose dream is to have an Endangered Species Act that works, that works for the people on the land, the people who love these species, who love the habitat, who care for it every day, the people who want the Endangered Species Act administered in a way that is transparent and fair and will recover species.

I am of the opinion that an act that has less than a 2 percent recovery rate or a delisting rate is not a success. I think we can have better models to succeed to delist species or, better yet, not list species in the first place.

These small steps that are embedded in this bill—transparency of science, involving tribal, State, and local governments and their base of knowledge about what they see on the ground, is critical to having an Endangered Spe-

cies Act that works, that takes advantage of the American people who care about conserving habitat and saving species.

Mr. Chairman, this is a common-sense, rational approach to recovery that has the kind of transparency that we were promised by this administration. Let's help them achieve it.

Mr. DEFAZIO. I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 1½ minutes to the gentleman from Oklahoma (Mr. LANKFORD), a member of the working group.

Mr. LANKFORD. Mr. Chairman, if I were to ask most Americans, why do we have the Endangered Species Act?, just about all of them would say, so we can protect endangered species and increase those population numbers. But then you ask the question of each specific species, what is the goal? And very rarely now will you hear the goal being to increase population. You will hear things like protection of habitat, expansion of the species and such, but you are not going to hear population numbers.

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What effect does that have? Well, come to Oklahoma some time. In western Oklahoma, we deal with a beautiful little ground chicken called the lesser prairie chicken. The lesser prairie chicken in the past month and a half has been listed as a threatened species now.

So what is the result of that? Well, the first question we ask is: What is the number that we need to have to recover? I don't know. We are just going to try to recover habitat.

What that means is they are now trying to block in 8,000 to 9,000 acres at a time of grassland and say no one can do development on these 8,000 to 9,000-acre blocks of land—that is no building, that is no construction, that is no energy, and that is no wind power, blocking it off and leaving it natural, up to 70 percent of that area. Suddenly, private lands have suddenly become the ownership of public lands.

The simple question is: How many lesser prairie chickens do we need to have before these restrictions go away? We don't know.

The latest survey that just came out showed a 20 percent increase from last year to this year. Is that enough? No. Fish and Wildlife Service is not required to take in that specific study. If it came from a State and from the people that lived there and know it best, shouldn't we take that advice?

For some strange reason—I am not opposed to scientists from New York—but if scientists from New York can pop in on Oklahoma and can say, I am going to give you the best science, and when we ask for the data behind it, they can say, no, it is secret and proprietary, and we can't do a thing about it, that doesn't make common sense.

Mr. Chairman, this bill fixes that. I encourage the House to pass it and support commonsense legislation.

Mr. DEFAZIO. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. COSTA).

Mr. COSTA. Mr. Chairman, I would like to thank my colleague for giving me time to speak on this important legislation. The Endangered Species Act is a fundamental environmental law, one that was enacted because we, as a society, decided that we have a responsibility to our generation and to future generations to protect species that are threatened with extinction, as we did with the American bald eagle, our Nation's symbol.

Unfortunately, its implementation has had a profound impact on many human activities in many areas of the country, including my own district in the San Joaquin Valley of California. This year, people that I represent will be standing in food lines due in part to the way the ESA is being implemented in the San Joaquin Valley as it relates to water.

Let me be clear, I support targeted reform of the Endangered Species Act and the use of best science. However, the reform must strengthen the policy goals of the ESA. We need to be improving its performance, not reducing its protections.

Unfortunately, as I have said too many times on the floor of this House, this bill, unfortunately, is going nowhere. It is going nowhere because the process to develop it was not transparent and was not bipartisan. It is going nowhere because this is another example of a single-Chamber bill to score political points that has no Democratic support.

If we are going to create law that benefits the American people, bipartisanship is no longer an option. It is a requirement. I will vote for this bill in spite of the flawed process on how it was developed and my serious reservations regarding the definition of best science.

I will vote for it because it is past time to roll up our sleeves and get to work on crafting serious proposals to reform the Endangered Species Act that ensures greater transparency, provides for more stakeholder input into the process, ensures that best science is used regarding species management, and creates a better balance between species protection and human impacts.

Mr. Chairman, I will vote for this bill because, for me, hope springs eternal that we can come together and become legislators that work together between the House and the Senate in a bipartisan fashion.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman from California (Mr. MCCLINTOCK), a member of the Natural Resources Committee.

Mr. MCCLINTOCK. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the Endangered Species Act serves a great cause, to prevent the extinction of any species because of human activity, but as Eric Hoffer warned:

Every great cause begins as a movement, becomes a business, and eventually degenerates into a racket.

Unfortunately, in the last 4 years, the ESA has become the basis for an explosion of lawsuits seeking to force hundreds of new species listings. Many of these suits are funded at taxpayers' expense, which in turn require Federal, State, and local agencies to spend even more taxpayer money to respond.

In northern California last month, this kind of litigation resulted in designating 2 million acres of the Sierra as critical habitat for three amphibians, despite overwhelming evidence that human activity is not to blame. The cause of the decline is nonnative predators and a virus affecting all amphibian species in the region.

The Natural Resources Committee has heard hours of testimony of how these decisions are based on highly questionable data from advocacy groups that include major mathematical errors, rank speculation, and selective suppression of data in order to arrive at predetermined conclusions.

This measure before us begins to address these abuses. It requires that supporting data be readily available to the general public, thus assuring greater scrutiny, and it requires that the government use the best available science and data from all sources.

It addresses the litigation crisis by requiring that legal costs be tracked and publicly reported, and it conforms those costs to the Equal Access to Justice Act that prevents extravagant claims for legal fees.

Louis Brandeis said that sunlight is the best of disinfectants. This bill places the data for implementing the ESA back into the sunlight where it can be fully scrutinized, and it places a modicum of restraint on the legal fees sought by out-of-control litigants.

Mr. DEFAZIO. Mr. Chairman, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman from Michigan (Mr. BENISHEK), another member of the Natural Resources Committee.

Mr. BENISHEK. Mr. Chairman, I rise today in support of H.R. 4315, the Endangered Species Transparency Act.

Mr. Chairman, as a doctor and lifelong resident of northern Michigan, I have been supportive of conservation my entire life. Like many on the floor today, I understand there is more work to be done in the arena of conservation and recovery of species. However, the Endangered Species Act, as written, isn't working.

When the Endangered Species Act, or the ESA, was signed into law 40 years ago, it was meant to save species, not lawyers. Today, more money is being spent on frivolous lawsuits than recovering or conserving species that actually need saving. These lawsuits result in listings or proposed listings for very questionable species. As a result, the taxpayers, the environment, and the economy all lose.

In my district, the northern long-eared bat is currently a candidate for listing. As this decision is being considered, local and State officials, as well as businesses in northern Michigan, must be able to know how the decision will be made and what information is being used to make it.

I believe that local residents and officials know what is better for northern Michigan than bureaucrats or high-paid attorneys in Washington. That is why I am here today to support commonsense reforms to the Endangered Species Act. The bill goes a long way towards improving the Endangered Species Act by requiring good government through transparency and capping attorneys' fees.

If you truly support the environment, then you realize funds should be spent on conservation and recovery, not \$500-an-hour attorneys.

Mr. Chairman, I believe this legislation is a win-win for the taxpayer and for conservation of truly endangered species, and I urge my colleagues to support this bill.

Mr. DEFAZIO. Mr. Chairman, I would reserve the balance of my time, since I only have 1 minute remaining, until that side has no further speakers.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 1 minute to the gentleman from Arizona (Mr. GOSAR), another member of the Natural Resources Committee.

Mr. GOSAR. Mr. Chairman, I rise today to speak in strong support of H.R. 4315, a commonsense package comprised of four bills that seek to update and improve the Endangered Species Act.

These bills make commonsense changes that increase transparency, save taxpayer money, ensure local involvement in species conservation and the designation process, limit the hourly rate attorneys can charge the taxpayers for Endangered Species Act lawsuits, and require the Federal Government to make available to Congress and the public any data it uses to determine which species to list as endangered. All of these are common sense.

Mr. Chairman, for far too long, the Federal Government has been making listing decisions based on secret and pseudoscience, including studies that do not allow for peer review of the underlying data.

Even more troubling is the fact that attorneys have been making millions of dollars based on frivolous lawsuits associated with the Endangered Species Act, and the Federal Government doesn't even know how much money has been paid out.

It is time to update the Endangered Species Act that involves America, is accountable to America, and is a win-win for everybody concerned.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from California (Mr. LAMALFA), another member of the House Natural Resources Committee.

Mr. LAMALFA. Mr. Chairman, this bill brings a portion of the Endangered Species Act back in to the 21st century and much-needed transparency.

Under this bill, the public will have access to data used to determine which species are listed as endangered. Backroom decisions made by regulators at the behest of nongovernment organizations with secret data is the sort of policymaking you might find in the Soviet Union or communist China, not in the United States.

Astoundingly, you will hear arguments that this data should remain secret. This is the data used to decide whether Americans can build a home on their own property, farm their own land, or simply going hiking in their national forest.

The bill includes also much county data used in ESA decisions, which is key. It is important that all economic information is available so locals get a fair shake. Had this bill been in place, my district would have had more input in an ESA listing that will hurt the economy across the Sierra Nevadas.

This measure also tracks and caps attorney fees paid in ESA lawsuits. Of the 75 Federal agencies surveyed, just 10 even tracked their payouts to lawsuit factories like the NRDC and the Center for Biological Diversity.

Mr. Chairman, I happen to think Americans deserve to know how their government makes their decisions. Let's pass H.R. 4315 to bring transparency and fairness back to the ESA process.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman from New Mexico (Mr. PEARCE), a former member of the House Natural Resources Committee.

Mr. PEARCE. I thank the gentleman for yielding and appreciate his leadership on this issue.

Mr. Chairman, I rise in support of H.R. 4315. New Mexico used to have 123 mills that processed timber. Today, that number is zero because of an endangered species called the spotted owl.

Now, 20 years after declaring the spotted owl to be endangered because of logging, last year, the U.S. Fish and Wildlife Service came out and said: oops, we made a mistake, it is not the logging at all.

We killed 123 mills in New Mexico. Eighty-five percent of the Nation's timber industry is gone because of a mistake. That sounds like the junk science that our opponents are arguing that we should be avoiding.

Mr. Chairman, last year, a lizard was going to be named as threatened or endangered in my district, and an ad hoc committee of scientists came together. They looked at the science that the Fish and Wildlife Service was going to use to list, they proved all of it to be false, and the listing did not occur—but only because of peer review.

That is what this bill is trying to do, to establish a process where others can

get to see what is going on inside those hidden dark doors of the Fish and Wildlife Service.

This year in New Mexico, the lesser prairie chicken was listed as threatened which, again, put people out of jobs. Ben Tuggle, the Fish and Wildlife Service director in New Mexico said they felt pressured by the lawsuits—not by the science, but by the lawsuits. This is what it looks like dealing with the Endangered Species Act in the West today.

It kills jobs, takes away the future, and takes away tax base—all for junk science that is currently being used by the department. This bill simply says let's get some transparency and let's get peer review. I urge the Members to vote for this bill.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 1 minute to the gentleman from Arkansas (Mr. CRAWFORD), in whose district we had a field hearing on the impact of the Endangered Species Act.

Mr. CRAWFORD. I thank the chairman. I am glad to be here today in support of H.R. 4315 and to emphasize the point that this is not just a Western thing. We certainly hear a lot about Oregon's northern spotted owl, about California's delta smelt, and we have heard about—the lesser prairie chicken has been cited, but I doubt many of you have heard about the rabbitsfoot mussel.

I have a map here that indicates the range of the rabbitsfoot mussel, and I can assure you the folks in Arkansas, Mississippi, Oklahoma, Louisiana, and Missouri have become very well familiar with the rabbitsfoot mussel.

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What the critical habitat designation proposal could do, and certainly in States like Arkansas where 70 percent of Arkansas' rivers and streams would be impacted, it would have a direct and costly impact on farmers and ranchers and municipalities who rely on those waterways for drinking water, private landowners and local governments who are trying to build and improve roads and bridges, and small and large businesses across the State of Arkansas that use water in manufacturing the products that help keep Americans employed.

The 21st Century Endangered Species Transparency Act will go a long way to bringing some common sense and sanity back to the protection of vulnerable species, and that is what we should be about.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Georgia (Mr. COLLINS) who is also experiencing the effects of this act.

Mr. COLLINS of Georgia. Mr. Chairman, I do appreciate the chairman of the Natural Resources Committee yielding me this time.

You know, it is amazing when you even mention dealing with reforming the Endangered Species Act how people

all of a sudden think—and it is just a matter of putting some controls or limiting it—that you are antispecies, you are terrible on the environment. Really what we are talking about here is just basically like all of the things in life that are updated from time to time, this is something that needs to be updated. I have been pleased to work in this working group, together with the chairman and others, to bring about some sensible reforms.

The reason we do this, farmers, ranchers, folks back home, my Farm Bureau, have been hit by lawsuits. And I appreciate what the gentleman just said. It is lawsuits, not science, that seems to be pressuring some of this along. In fact, in 2011, the WildEarth Guardians and Center for Biological Diversity entered into an agreement with Fish and Wildlife that added 1,000 species. Now, the only problem with that is that no one in the ag community and others who were affected were allowed to participate. Now, I have another bill called Sue and Settle that would have taken care of that when we passed it out of this House.

It was said earlier that, when you take the ESA, you don't take a meat cleaver approach. Well, I think the problem is not a meat cleaver approach here. It is the fact that many don't want to take an approach at all. They want to just leave it alone. They don't even want to take up having reasonable caps on attorneys' fees. Instead of putting money into lawyers' pockets at a cap of just \$125 an hour, they would rather go on—which, by the way, in that same 2011 case, the attorneys' fees went over \$300,000 in this situation.

You see, the problem here is not wanting to deal with ESA. The problem is wanting to continue an ideological bent that says leave it alone even at the expense of jobs, even at the expense of saying that maybe we messed up, even at the expense of saying maybe we can find a different point of view, maybe we can have valid science, or maybe just addressing it.

For those of us in northeast Georgia, we want good, clean water, clean air, and protection of our wildlife. But also, we understand that taxpayer dollars spent on this needs to happen. We need to do this reform.

By the way, Mr. Chairman, I still have no takers on my bat.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Utah (Mr. STEWART), a former member of the Natural Resources Committee.

Mr. STEWART. Mr. Chairman, H.R. 4315 is simply a no-brainer. Its primary purpose is to require that ESA be available to the public. This is nothing but a commonsense reform in the application of a law that is subject to extensive bureaucratic manipulation. Some opponents wrongly assume that the American people don't need to see this data, but how can anyone argue against transparency in our Federal Government?

Let me quickly list an example in my district. We have the Utah prairie dog, a species that was listed under the ESA in 1973. U.S. Fish and Wildlife says there needs to be at least 1,500 prairie dogs before they can be considered for delisting as recovered, but the Federal Government only counts those dogs living on Federal lands, about 442 of them. In 2013, there were almost 5,000 of these prairie dogs living on private land that went uncovered.

Earlier this year, I introduced H.R. 4256, the Endangered Species Improvement Recovery Act, something which would help in this effort as well. H.R. 4315 is a commonsense approach, and I urge my colleagues to support it.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 1 minute to the gentleman from California (Mr. VALADAO), a very active Member on this issue.

Mr. VALADAO. Mr. Chairman, this bill brings a lot of common sense to Washington. In my district currently today, they have basically shut down agriculture because of this tiny fish there. We have seen food products coming in from other countries, and we see people standing in a food line.

What has caused all of this? Under the Endangered Species Act, a species was added to the Endangered Species Act list.

And do we know if that listing actually helped that fish, if turning off the pump has actually helped save that fish? We know it has put people out of work. We know it has changed where we are getting our food from. And for all we know, it hasn't even saved that little fish. That is something that needs to be looked at. What this bill does, it brings some transparency to this.

When we pass these rules and regulations on these industries that affect these people at home and put them in the food line, are we actually basing it on real science? Are we basing it on the fact that we are actually going to save this species?

This is a tragedy. What we see going on in my hometown right now, in my district is a tragedy. We have an opportunity to actually make a difference today with some common sense. Make sure that we know that the science is honest and transparent before we pass these laws.

Mr. HASTINGS of Washington. Mr. Chairman, I advise the gentleman from Oregon that I am prepared to close, so if he wants to use his time, then I will close.

I reserve the balance of my time.

Mr. DEFAZIO. Mr. Chairman, I yield myself the balance of my time.

I will close where I ended my opening remarks, 25 major fires burning in the West: seven in Oregon, six in California, four in Washington, two in Utah, two in Idaho, and one in Colorado. And by this time next week, probably twice as many, but next week Congress will be out of session.

The agencies will run out of money. They can't stop fighting the fires. So

what they will do is they will pull back money that would prevent future intense wildfires from prevention programs. They will pull back money from recreation programs. They will pull back money from a host of things that Americans care about and want to have funded just to fight these fires. It is an endless cycle. We need to deal with it.

We could have dealt with it here today instead of spending multiple hours on a bill which is going nowhere, which is poorly drafted to the point where anybody, any city, county, tribe, State who writes on the back of a napkin can submit that to the agency and it must be considered the best available science and commercial data. And under the law, the Secretary has to use that to make a decision.

How the heck is that going to work? You are saying you are worried about attorney's fees; you are creating a universe for new litigation with this misguided approach.

So I wish we would return to a bipartisan addressing of the forest fire issue because I know there is bipartisan concern on it. There is a bill pending in the House—54 Republicans, 54 Democrats. We should take that bill up today, tomorrow, or Thursday before we leave town and fund our firefighting efforts.

I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me make a couple of points on issues that have been raised. First of all, H.R. 4315 is not a comprehensive reform to the Endangered Species Act. It is very targeted.

I might mention that several Members on the other side talked about species going extinct. I just want to say, Mr. Chairman, that during testimony in the House Natural Resources Committee, nobody testified that they are in favor of species going extinct.

Several Members said this bill weakens the Endangered Species Act. Mr. Chairman, how does transparency weaken a bill? I do not see how that works.

Finally, there seems to be a lot of discussion about allowing local entities and tribes to use their data in the listing of species. Several Members on the other side said the act deems that should happen. It does not at all. In fact, let me read it. It says:

The best scientific and commercial data available includes all such data submitted by State, tribal, or county government.

Now, we will have more debate on this because there are two amendments that address this section, but I just wanted to mention that this is a targeted look at the Endangered Species Act. It is not a comprehensive reform, but it certainly will, I think, get more people involved, especially because of this megasettlement, the impact that this will have on the rest of the country.

Mr. Chairman, I urge adoption of H.R. 4315.

I yield back the balance of my time.

Mr. HOLT. Mr. Chair on December 28, 1973 the Endangered Species Act was signed into law, meaning we are currently commemorating the 40th anniversary of one of our nation's strongest and most successful environmental laws: the Endangered Species Act.

Passed with overwhelming bipartisan support and signed by President Richard Nixon, the Act was the first comprehensive law to address the global extinction crisis.

The Endangered Species Act took a zero-tolerance approach to achieving its goals: no new extinctions, no exceptions.

As a result, 99 percent of listed species have been saved from extinction and are on the path to recovery.

Some iconic American species, such as the bald eagle, the American alligator, and the Pacific gray whale, have recovered from the brink of extinction and are now thriving in their natural habitats.

Beyond the preservation of individual species, the Endangered Species Act helps to keep the strong interdependent web of life.

Today, conservation efforts under the Endangered Species Act are a model for preserving biodiversity around the world.

Unfortunately, here in the House today we are proceeding with reforms that would undoubtedly weaken provisions of the Act with the belief that doing so will somehow yield greater benefits for the species it was designed to protect.

As a member of the House Natural Resources Committee, I've been committed to protecting our nation's strongest and most successful environmental laws.

Let us reject the bill before us and in doing so commemorate the 40th Anniversary of the Endangered Species Act.

Ms. LEE of California. Mr. Chair, I rise to today in strong opposition to H.R. 4315—the “21st Century Endangered Species Transparency Act.”

Mr. Chair, there is nothing reasonable about this bill.

This bill is an assault on citizen enforcement and the rule of law.

If enacted, the bill would place an unreasonable cap on the recovery of attorneys' fees in suits brought under the Endangered Species Act (ESA).

By limiting fee recoveries, this bill would make it difficult for many citizens to obtain effective legal representation—and undermine the enforcement of the law.

The Endangered Species Act is one of our country's most important tools for protecting endangered fish and wildlife populations.

The fact of the matter is, the bill before us, would increase the likelihood of future extinctions.

Mr. Chair, we are here to protect not only our wildlife, but also the very foundation of our justice system—equal access to adequate representation.

I urge a no vote.

Mr. THOMPSON of Pennsylvania. Mr. Chair, I rise today in support of this legislation.

H.R. 4315 is an important first step in reforming the Endangered Species Act, and undertaking long overdue.

This legislation is about three things: increasing government transparency, requiring better state and local data and input, and limiting excessive payments for lawyers who sue the Federal government under ESA.

First, the bill requires the Federal Government to publish on the internet and make publicly available the data that was used to make the determination that a species should be considered for listing under the ESA.

Secondly, the legislation would require the Federal Government to include and consider data provided by state, local and tribal governments. The purpose of this is to ensure that the best “on the ground” input is taken into account when making such listing.

Finally, H.R. 4315 would limit attorneys' fees when individuals or organizations sue the government under the ESA and prevail.

In my home state of Pennsylvania, we are currently seeing firsthand why these changes need to be legislated. The U.S. Fish & Wildlife Service recently proposed the Northern Long-Eared bat for listing under ESA—despite significant scientific debate over its population levels.

While the species is unquestionably being impacted by White Nose Syndrome, considerably more research still is needed before sweeping federal regulations go into effect.

This species has an enormous geographical footprint and is found in 38 states. Listing this bat species would have an enormous impact, including harming a large number of economic sectors that pose no threat to this population.

During the open public comment period, the Fish &

Wildlife Service received a significant number of public comments discussing this lack of adequate data, and since then, the Service has acknowledged that the economic activities most affected by the proposed listing have had little impact on population numbers or the decline of the species.

As a result, the agency has now decided to extend the comment period to further review these disparities.

H.R. 4315 is a package of commonsense reforms that will improve local control and increase government transparency and accountability.

I strongly urge my colleagues to support this legislation.

The Acting CHAIR (Mr. POE of Texas). All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

In lieu of the amendment in the nature of a substitute recommended by the Committee on Natural Resources, printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 113–55. That amendment in the nature of a substitute shall be considered as read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 4315

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Endangered Species Transparency and Reasonableness Act”.

SEC. 2. REQUIREMENT TO PUBLISH ON THE INTERNET THE BASIS FOR LISTINGS.

Section 4(b) of the Endangered Species Act (16 U.S.C. 1533(b)) is amended by adding at the end the following:

“(9) The Secretary shall make publicly available on the Internet the best scientific and commercial data available that are the basis for each regulation, including each proposed regulation, promulgated under subsection (a)(1), except that, at the request of a Governor or legislature of a State, the Secretary shall not make available under this paragraph information regarding which the State has determined public disclosure is prohibited by a law of that State relating to the protection of personal information.”.

SEC. 3. DECISIONAL TRANSPARENCY AND USE OF STATE, TRIBAL, AND LOCAL INFORMATION.

(a) **REQUIRING DECISIONAL TRANSPARENCY WITH AFFECTED STATES.**—Section 6(a) of the Endangered Species Act of 1973 (16 U.S.C. 1535(a)) is amended—

(1) by inserting “(1)” before the first sentence; and

(2) by striking “Such cooperation shall include” and inserting the following:

“(2) Such cooperation shall include—

“(A) before making a determination under section 4(a), providing to States affected by such determination all data that is the basis of the determination; and

“(B)”.

(b) **ENSURING USE OF STATE, TRIBAL, AND LOCAL INFORMATION.**—

(1) **IN GENERAL.**—Section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532) is amended—

(A) by redesignating paragraphs (2) through (21) as paragraphs (3) through (22), respectively; and

(B) by inserting after paragraph (1) the following:

“(2) The term ‘best scientific and commercial data available’ includes all such data submitted by a State, tribal, or county government.”.

(2) **CONFORMING AMENDMENT.**—Section 7(n) of such Act (16 U.S.C. 1536(n)) is amended by striking “section 3(13)” and inserting “section 3(14)”.

SEC. 4. DISCLOSURE OF EXPENDITURES UNDER ENDANGERED SPECIES ACT OF 1973.

(a) **REQUIREMENT TO DISCLOSE.**—Section 13 of the Endangered Species Act of 1973 (87 Stat. 902; relating to conforming amendments which have executed) is amended to read as follows:

“SEC. 13. DISCLOSURE OF EXPENDITURES.

“(a) **REQUIREMENT.**—The Secretary of the Interior, in consultation with the Secretary of Commerce, shall—

“(1) not later than 90 days after the end of each fiscal year, submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate an annual report detailing Federal Government expenditures for covered suits during the preceding fiscal year (including the information described in subsection (b)); and

“(2) make publicly available through the Internet a searchable database of the information described in subsection (b).

“(b) **INCLUDED INFORMATION.**—The report shall include—

“(1) the case name and number of each covered suit, and a hyperlink to the record or decision for each covered suit (if available);

“(2) a description of the claims in each covered suit;

“(3) the name of each covered agency whose actions gave rise to a claim in a covered suit;

“(4) funds expended by each covered agency (disaggregated by agency account) to receive and respond to notices referred to in section 11(g)(2) or to prepare for litigation of, litigate, negotiate a settlement agreement or consent decree in, or provide material, technical, or other assistance in relation to, a covered suit;

“(5) the number of full-time equivalent employees that participated in the activities described in paragraph (4); and

“(6) attorneys fees and other expenses (disaggregated by agency account) awarded in

covered suits, including any consent decrees or settlement agreements (regardless of whether a decree or settlement agreement is sealed or otherwise subject to nondisclosure provisions), including the bases for such awards.

“(c) **REQUIREMENT TO PROVIDE INFORMATION.**—The head of each covered agency shall provide to the Secretary in a timely manner all information requested by the Secretary to comply with the requirements of this section.

“(d) **LIMITATION ON DISCLOSURE.**—Notwithstanding any other provision of this section, this section shall not affect any restriction in a consent decree or settlement agreement on the disclosure of information that is not described in subsection (b).

“(e) **DEFINITIONS.**—

“(1) **COVERED AGENCY.**—The term ‘covered agency’ means any agency of the Department of the Interior, the Forest Service, the National Marine Fisheries Service, the Bonneville Power Administration, the Western Area Power Administration, the Southwestern Power Administration, or the Southeastern Power Administration.

“(2) **COVERED SUIT.**—The term ‘covered suit’ means any civil action containing a claim against the Federal Government, in which the claim arises under this Act and is based on the action of a covered agency.”.

(b) **CLERICAL AMENDMENT.**—The table of contents in the first section of such Act is amended by striking the item relating to such section and inserting the following:

“Sec. 13. Disclosure of expenditures.”.

(c) **PRIOR AMENDMENTS NOT AFFECTED.**—This section shall not be construed to affect the amendments made by section 13 of such Act, as in effect before the enactment of this Act.

SEC. 5. AWARD OF LITIGATION COSTS TO PREVAILING PARTIES IN ACCORDANCE WITH EXISTING LAW.

Section 11(g)(4) of the Endangered Species Act of 1973 (16 U.S.C. 1540(g)(4)) is amended by striking “to any” and all that follows through the end of the sentence and inserting “to any prevailing party in accordance with section 2412 of title 28, United States Code.”.

The Acting CHAIR. No amendment to the amendment in the nature of a substitute shall be in order except those printed in House Report 113-563. Each such amendment shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. HASTINGS OF WASHINGTON

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 113-563.

Mr. HASTINGS of Washington. Mr. Chairman, I have an amendment made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 1, line 13, insert “, State agency,” after “Governor”.

Page 1, strike line 16 and all that follows through the first period on line 17 and insert “determined public disclosure is prohibited by a law or regulation of that State, including any law or regulation requiring the protection of personal information; and except that within 30 days after the date of the en-

actment of this paragraph, the Secretary shall execute an agreement with the Secretary of Defense that prevents the disclosure of classified information pertaining to Department of Defense personnel, facilities, lands, or waters.”.

The Acting CHAIR. Pursuant to House Resolution 693, the gentleman from Washington (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I offer this manager's amendment which would clarify two important items relating to section 2 and public disclosure of the Federal Government's ESA data.

First, the amendment would provide an important but technical clarification that the intent of the bill is for any Federal public disclosure of ESA data on the Internet under the bill to be completely consistent with data privacy laws of States, including those that protect personal identifiable information from disclosure.

A significant amount of the “best available scientific and commercial data” currently used by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service for ESA listing decisions is derived from States which have diverse laws protecting the privacy of their citizens and sensitive species data.

While some make completely baseless suggestions that more data disclosure on the Internet could lead to poaching of species, this amendment would allow States an added layer of confidence that the information they choose to share with the Federal Government does not compromise their own data privacy laws.

Second, the amendment clarifies that the bill would not require disclosure of classified Department of Defense information related to lands, personnel, installations, or waters within their jurisdiction.

The Endangered Species Act has a significant impact on U.S. military activities. According to the Fish and Wildlife Service Web site, more than 300 ESA-listed species are located on the more than 25 million acres spread across hundreds of Department of Defense installations across the Nation. While greater data transparency related to U.S. Fish and Wildlife Service or National Marine Fisheries Service listing decisions is important, branches of the American military should not have to disclose information that would in any way compromise national security.

So my amendment would make clear that the Fish and Wildlife Service's or the National Marine Fisheries Service's disclosure of best available scientific and commercial data on the Internet can be accomplished while safeguarding classified or sensitive Defense Department information.

I reserve the balance of my time.

Mr. DEFAZIO. Mr. Chairman, I claim the time in opposition, although I do not oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from Oregon is recognized for 5 minutes.

There was no objection.

Mr. DEFAZIO. This is similar to an amendment offered by the chairman in committee which carved out an exemption for private individuals. This would carve out another amendment for the Department of Defense.

Unfortunately, crafting legislation so it doesn't have unintended impacts is often a difficult, deliberative process. In this case, the overly broad language in this section would still require commercial data from timber and oil and gas companies. That is not covered by the exemptions in the bill. And also, it could require data containing business activity locations, operation plans, information regarding species found on their lands, and they would be published on the Internet, which would be an invitation to trespass in the case of private timber companies having to publish that sort of invitation.

So I don't think the exemption goes far enough. I think the entire provision should be stricken. But again, I will not bother to oppose this amendment, but I will oppose the underlying bill.

With that, I yield back the balance of my time.

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Mr. HASTINGS of Washington. Mr. Chairman, I yield myself the balance of my time.

I thank the gentleman from Oregon for his support of the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Washington (Mr. HASTINGS).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. DEFAZIO

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 113-563.

Mr. DEFAZIO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, line 1, strike "The term" and insert "(A) Except as provided in subparagraph (B), the term".

Page 3, at line 3 strike the closing quotation marks and the second period, and after line 3 insert the following:

"(B) Such term does not include any data, study, or survey that has been published solely in an internal Department of the Interior publication."

The Acting CHAIR. Pursuant to House Resolution 693, the gentleman from Oregon (Mr. DEFAZIO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, as I said earlier, and it was mentioned by a

number of Democrats on this side, we don't think the Endangered Species Act is perfect and we could work on a bipartisan basis on modernization-type reforms to bring it into the 21st century, compliant with current science. However, that is not before us today. But I am hopeful that this amendment, because of a very unsettling precedent by the Obama administration, will get bipartisan support.

Now, the Republicans may, in this case, agree with the objectives of an agency of government which has gone rogue in this case, which is Fish and Wildlife. They have been trying for years to remove the gray wolf from the Endangered Species Act. Unfortunately, science isn't on their side. Wolves have not recovered throughout much of their range. Oregon and Washington have a few packs; California, Colorado, Utah, and New York have none. However, they have cooked up a little bit of science to justify their determination to delist.

Now, in the case of Oregon, OR-7, his mate, and pups, might be pretty safe. They are down in the corner of the State. California won't be hunting wolves because of their own Endangered Species Act. But his relatives up in the northeast corner of Oregon, should they cross the border into Idaho, they will be immediately assassinated. That is the result of what Fish and Wildlife and Congress combined have done.

They cooked up the science. Unfortunately, science has to be peer-reviewed and published in journals. No journal would publish it. Not even some of the captive industry journals or the livestock association journal. Nobody would publish it. They said this is junk.

So what did they do? Well, they came up with a zombie journal. They revived an internal journal called North American Fauna, which was an internal Fish and Wildlife little newsletter, and it hasn't been printed previously since 1991.

Now, again, I imagine most Republicans are saying: So what, if this helps us get rid of the wolf—which many on that side of the aisle would like to do—so be it, that is good.

Well, just think what is going to happen when Fish and Wildlife and this administration, or another administration, wants to make a decision contrary to what you care about? What if they want to cook up a phony science on the sage-grouse, the lesser prairie chicken, or on some of these other species that have been talked about today? They drag out the North American fauna label and they say: Hey, it has been published, and that is what we based our decision on.

This is a very disturbing trend by an administration—inexplicable that this administration would go down this particular path. And again, even if you may agree with delisting the wolf and greatly reducing the populations, which are nowhere near what they

should be for a full recovery, threatening again a future, more comprehensive, listing—again, a bit shortsighted if you support that, but you may.

But just think if you let this stand. If you let these people these Federal bureaucrats, these hacks, get away with this. They cooked something up. I mean, really? You can't even get the sheep journal to publish this because they really hate the wolves, or the cattleman's journal, they really hate the wolves. No, they wouldn't publish it. They had to come up with a phony internal journal, because it was so bad that they knew they would be subject to ridicule and violating essentially their own morals and ethics by doing that.

I would hope that the Republicans can support this amendment, because even though they may agree with the ends here, they surely should disagree with the process.

With that, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I rise in opposition to the amendment.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. Mr. Chairman, I yield as much time as he may consume to the gentleman from Texas (Mr. NEUGEBAUER).

Mr. NEUGEBAUER. Mr. Chairman, as I was listening to the gentleman, I was wondering if he was talking about the amendment that he had actually offered, because actually he is making the case that I stood up to make today.

Let me tell you what this amendment would do. It would exclude scientific information published solely in the internal Interior Department publications from the definition of "best available science," which would allow the Department of Interior to avoid transparency requirements in section 2 of the bill, which requires that the data used by the Federal agencies for the Endangered Species Act listing decisions to be made publicly available and accessible through the Internet.

So what the gentleman was saying is they cooked the books, they cooked the information, and he doesn't want that to be made available. So here we are making important decisions about the potential taking of people's land, spending millions of dollars in mitigation for what may be false science.

This gentleman's amendment defeats the whole purpose of transparency, the intention of this bill.

What we are trying to do is we are going to say: Let's take the facts, let's take the best available science that the Fish and Wildlife and some of these agencies say that they have, let's compare it with what is the best available science from the stakeholders and come up with the truth.

But the gentleman's amendment, which I urge Members to defeat, defeats the whole purpose of that transparency. The American people deserve that. Their tax money is being used

against them in the fact that the tax money is going out and being used to determine what is the best available science. Now if we have got the best available science—in fact, as the gentleman referred to it as “cooking the science,” then the American people ought to have an opportunity to dispute that and it not be hidden from them in some agency memo.

With that, I encourage Members to defeat the amendment.

Mr. DEFAZIO. Mr. Chairman, well, I didn't understand that.

Look, a Federal agency revived a journal that had been extinct for 23 years. It is an internal document. They took phony science and published it in that, and then they based a delisting decision on it. If they based a listing decision on it, you guys would be going berserk over there.

What I am precluding is future Federal agencies, no matter where they come down on a listing decision, from using phony science which is only self-published. This is like whack nuts who write books about crazy things and they publish it themselves and say: Look, it was a book. Yeah, it is a book. You paid to publish it.

In this case, they used taxpayer money to publish a phony study to justify a decision they had already made, which you might happen to agree with.

But what happens when they use that same tactic to do that with a decision you disagree with, to actually list something?

This has nothing to do with transparency. It doesn't need to be transparent because they couldn't use it. It is phony science. They would not be allowed to use phony science by self-publishing it. That is simply what the amendment does, and I can't believe you guys are going to oppose it.

I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, when I listen to my good friend from Oregon's arguments, in many respects, maybe indirectly, he is making precisely the argument that we are making with this bill. That is, whatever data is being used to list or delist should be made available to the public so they can ascertain if that data is correct.

Now, the gentleman talked about data that was made up. Okay, that is his interpretation. If it is made up, shouldn't we know that? Shouldn't we know that that is what the data is being used to make these decisions rather than just accepting it?

Mr. Chairman, that is precisely what this bill is all about, to have transparency on this scientific data. That is really all we are asking about.

The argument got shifted to other things, like we are destroying the Endangered Species Act and so forth. Nothing could be further from the truth.

His amendment, however, does something that I think violates the prin-

ciple we are trying to do. He wants to exclude certain stuff from us being transparent with it, or for the people having transparency to that data.

So, Mr. Chairman, I urge also rejection of the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. DEFAZIO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oregon will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. HOLT

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 113-563.

Mr. HOLT. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 2, line 3, strike “(a) REQUIRING DECISIONAL TRANSPARENCY WITH AFFECTED STATES.”

Beginning at page 2, strike line 16 and all that follows through page 3, line 7.

The Acting CHAIR. Pursuant to House Resolution 693, the gentleman from New Jersey (Mr. HOLT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. HOLT. Mr. Chairman, I yield myself such time as I may consume.

The bill before us today has many problems, but one of the most egregious and obvious is in section 3, where the bill declares that any and all data submitted by States, tribes, or local governments shall be considered the “best scientific data available.”

I am offering here an amendment with my friend from California (Mr. HUFFMAN), which would strike that provision and would force Federal agencies to accept as the best available science actual science.

The language in question says:

The term “best scientific and commercial data available” includes all such data submitted by a State, tribal, or county government.

The Endangered Species Act is one of our Nation's strongest and most successful environmental laws. One reason for that success is that the law has been based on scientific evaluation using peer-reviewed science by trained scientists, not the whims and ideological wishes of legislators.

The Endangered Species Act is not a shouting match or a fight for power and influence among interested parties; it is a look at the need to protect endangered species as determined by the best science. This language that the best scientific and commercial data available includes all such data sub-

mitted is as preposterous as it is impractical. Where is the quality control?

Now, what happens if a locality submits something that is not, in fact, true, or not, in fact, established within the scientific community? Or how about if a State or a tribe submits one thing and another State or tribe submits conflicting views? Are they both the best available evidence? What about where a county thinks its data is better than the State's data? These are all situations that not only might occur, but are likely to occur.

A witness at the committee hearing on this bill—in fact, a witness that was invited by the Republicans—testified to this very point, saying that all does not equal best, highlighting the fact that this bill creates more problems than it solves.

Agency decisionmakers must evaluate data from all sources to ensure that they are making determinations based on the best information available, and we should encourage them to do so.

Let's not have another case of congressional malpractice where Members of Congress play scientists and try to present political restrictions on the science.

The peer review process is the best tool available, and that is how we draw out the best science. Maybe scientists occasionally make mistakes, no doubt about it, and new findings can call for a revision of the science. But surely we don't think that Members of Congress are better at determining what is scientifically factual than the biological and environmental scientists.

I reserve the balance of my time.

□ 1630

Mr. HASTINGS of Washington. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. NEUGEBAUER).

Mr. NEUGEBAUER. Mr. Chairman, basically, what the gentleman's amendment would do is strike the language in the section of this bill that requires the Fish and Wildlife Service to consider all data submitted by State, tribal, or county governments as best scientific and commercial data available.

Let me dispel one of the myths. It says that all of this data has to be considered best scientific and commercial data. That is not necessarily true. The Fish and Wildlife Service still has discrimination over what data that it considers. What it does say is that it must consider the data that is submitted.

The other thing that you hear my friends on the other side of the aisle say is that I guess all of the best data and all of the smartest people in the country must be in Washington, D.C., but we have Mr. DEFAZIO, the gentleman from Oregon, stand up and say:

no, sometimes they cook the books. So I wondered if that memo that the gentleman was talking about was the best commercial and available science for the wolf. Obviously, he was saying it was not.

What we are really saying about all of this is it is just about transparency. It is about recognizing that the people in the States and the local governments may actually have better information on the ground about a lot of these issues than somebody sitting in Washington, looking at some model or some report that someone has drawn up.

I will talk about my State of Texas, for example. The Texas Parks and Wildlife service has developed over 8,000 wildlife management plans covering over 30 million acres. I would probably tell you that those people have some of the best available and commercial science on a lot of the issues facing Texas probably a little bit more than maybe somebody sitting in Washington, D.C., or some other State.

So one of the things that I am a little perplexed about is my colleagues keep fighting the transparency. This President said he was going to have one of the most transparent administrations in history, but that has been far from the truth.

I would encourage my colleagues to defeat this amendment. It defeats the whole purpose of the bill and the intention of letting the American people know the facts.

If you go to a trial, you don't get to use only your facts. You have to hear everybody's facts. Since this is a trial that determines whether these species are in fact endangered or not endangered anymore, we should be able to deal with the facts, but we can't deal with one set of facts. We have to deal with all of the facts.

So if you want to hear all of the facts, defeat this amendment.

Mr. HOLT. Mr. Chairman, I ask the Chair the time remaining on each side.

The Acting CHAIR. The gentleman from New Jersey has 1½ minutes remaining, and the gentleman from Washington has 2½ minutes remaining.

Mr. HOLT. Mr. Chairman, I yield 45 seconds to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, I am bemused by this.

It is simple. It says:

The term "best scientific and commercial data available" includes all such data submitted by a State, tribal, or county government.

That means all the data. That means if all the counties, States, and tribes don't agree, you have conflicting best available data. That is what we are saying. We want them to take all data into account, but you can't deem that theirs is the best.

In the case of nitrification in the Columbia River, Oregon and Washington disagree. They have competing science, but now, they would have to weigh it equally. I have heard tribes say to save

salmon and delist them, you have to take all the dams out of the river. That becomes the best available science, if submitted by a tribe?

What are you guys thinking? We want them to listen to everybody. Everybody can submit something, but we don't then deem it to be the best available data. That is nuts.

Mr. HASTINGS of Washington. Mr. Chairman, I am prepared to close, so I reserve the balance of my time.

Mr. HOLT. Mr. Chairman, my colleague from Oregon said it well: All does not equal best.

The other side evidently is embarrassed by the language in the bill. There are many problems with this bill, but this particular section has some language that they should be embarrassed about, and so they are saying what they wish the language said or what they want it to say.

The best scientific data includes all such data. It does not say we will consider all data. It says all equals best. That cannot be true. That should be removed from the bill. That is what this amendment does.

Decisions on whether or not a particular study or data set have scientific merit with respect to an individual species listing should be made in the context of peer-reviewed science, not because one State wants one thing and one county wants another thing.

It should be based on the best scientific data. That is what this amendment would ensure.

I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself the balance of my time.

First of all, Mr. Chairman, I am not embarrassed by this piece of legislation. Let me walk through this and explain why this language says what it says because I think our friends on the other side of the aisle are leaving out a very important word when they are debating this issue.

The language in question is the term "best scientific and commerce data available includes all such data submitted," and so forth.

They are arguing as if the word "such" was taken out, where it would read "scientific and commercial data available includes all data." We didn't say "all data." We said "all such data."

What does that mean? How does that relate? All such data that relates to scientific and commercial data coming from the local communities—what is wrong with that argument?

By the way, the agency still has discretion to use that data, but it should be part of it because lacking having this language in the bill means that the only data is what my friend from Oregon criticized when we were discussing the wolves.

Mr. Chairman, I think this language is pretty straightforward. It says "all such data that relates to it, as developed by local communities and tribes." That should be part of the transparency.

So I urge my colleagues to reject this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. HOLT).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. HOLT. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. DUFFY

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 113-563.

Mr. DUFFY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 4, line 22, strike "and".

Page 5, at line 4 strike the period and insert "; and", and after line 4 insert the following:

"(7) any Federal funding used by a person or a governmental or non-governmental entity in bringing a claim in a covered suit.

The Acting CHAIR. Pursuant to House Resolution 693, the gentleman from Wisconsin (Mr. DUFFY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. DUFFY. Mr. Chairman, I want to thank Chairman HASTINGS for all of his work on this legislation.

I am from Wisconsin. I have the central to northern part of the State. In my part of the State—and for the State as a whole—we value our natural resources. We value our wildlife. We have people who love to hunt, fish, bike, ski, and hike. It is part of our culture and our community.

We have many organizations that work hard to promote conservation. We have hunting groups, sportsmen groups, conservation organizations, State and local DNR organizations. Many of them have come together to protect the gray wolf population in Wisconsin, so much so that it has become healthy, and the gray wolf has been taken off and delisted from the Endangered Species Act.

However, not all organizations come at this with a pure heart. We have some whose main purpose and priority is filing lawsuits and suing the government under the Endangered Species Act. It is these sue-and-settle tactics that don't advance the cause of preserving our environment, and they aren't good for the American taxpayer.

What is more, many of these lawsuits are funded by way of Federal tax dollars to support the litigation, so in essence, we are spending tens of millions of dollars of hardworking Americans' tax dollars to sue ourselves.

So I think it is important that we have transparency in government. If an

organization is suing the Federal Government under the Endangered Species Act and they are using Federal money, let's disclose it. Let's all see it.

We might come together and say that is a good use of our Federal tax dollars, or we might say that is outrageous that we should be funding suits against ourselves.

This is a commonsense amendment. I would ask my colleagues to support it.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. DUFFY. I yield to the gentleman.

Mr. HASTINGS of Washington. I thank the gentleman for yielding and for bringing this issue to the floor. I think it adds very much to what we are trying to do with this underlying legislation, which is adding transparency to our efforts.

I support the gentleman's amendment.

Mr. DUFFY. Mr. Chairman, I reserve the balance of my time.

Mr. DEFAZIO. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Oregon is recognized for 5 minutes.

Mr. DEFAZIO. I just wonder if the gentleman can name one piece of litigation which was sponsored by Federal tax dollars, and I yield to the gentleman.

Mr. DUFFY. Mr. Chairman, that is the purpose of my legislation. We don't know.

Mr. DEFAZIO. Reclaiming my time, the gentleman can't name one lawsuit, one organization using Federal tax dollars. I guess that is probably because he is familiar with OMB Circular A-87 that says neither a State, local government, or an Indian tribal government can use money provided by the Federal Government for legal expenses for prosecution of claims against the Federal Government.

Well, okay, that leaves a big hole. What about nonprofits? They get Federal money. That would be OMB Circular A-122, "Cost Principles for Nonprofit Organizations," which says, "Costs of legal, accounting, and consultant services, and related costs, incurred in connection with defense against Federal Government claims or appeals, antitrust suits, or the prosecution of claims or appeals against the Federal Government, are unallowable."

So we are now going to have the agency chase a Chimera—that is, something that has never happened and can't happen under law. They have got to go out and spend a bunch of money trying to unearth it.

If the gentleman could just name one instance, then that might change the argument, but he can't.

With that, I reserve the balance of my time.

Mr. DUFFY. Mr. Chairman, I would just note that money is fungible. To the point that this is going to cost a lot of money, I would disagree.

All we are asking for is that if you receive Federal money and you are

suing the Federal Government, that you disclose it. You don't have to go on a witch-hunt. You don't have to go find it.

If you receive these dollars and you are suing the Federal Government, tell us. If the gentleman is correct, there won't be any disclosure, but if what I suspect is true, there will be a lot of disclosure, and the American people will see how their tax money is being used to sue themselves.

Mr. Chairman, I would note in closing that good government is a government that has transparency, and we should know how our tax dollars are being used. This is not overburdensome. This is a simple request that if you use hard-earned taxpayer money to sue the Federal Government under the Endangered Species Act, the Federal taxpayers know how their money is being spent.

This makes sense. It doesn't cost any money. It is not a hardship, so let's stand together. Let's work together, and let's make sure we have full knowledge in how this money is being used.

I yield back the balance of my time.

Mr. DEFAZIO. Mr. Chairman, unfortunately, the gentleman misstated what his amendment does. It doesn't say that individuals filing litigation under the Endangered Species Act must disclose whether or not they receive any Federal funds and are using any Federal funds in this case. It doesn't say that.

It says that Fish and Wildlife Service must determine. How is the Fish and Wildlife Service going to determine whether or not someone used Federal funds?

As he said, money is fungible. He is saying they may be violating the circular that prohibits nonprofit organizations from doing this. They may be violating the circular.

These are, of course, criminal offenses, that prohibit State, local, and Indian tribal governments from using Federal money for such litigation. He is saying that may be going on, so then Fish and Wildlife should just discover it themselves.

How is that going to work? It sends Fish and Wildlife on a mission that it is not equipped to handle. They can't say: pretty please, tell us.

If someone is violating the law, they are probably not going to volunteer it to Fish and Wildlife.

□ 1645

If you wanted to do this, you would have to write an amendment that amends the Rules of Civil Procedure or whatever—I am not a lawyer—that would require that these litigants disclose at the time of filing their litigation. Saying Fish and Wildlife should find out after it has been filed is absolutely absurd.

With that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Wisconsin (Mr. DUFFY).

The amendment was agreed to.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 113-563 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. DEFAZIO of Oregon.

Amendment No. 3 by Mr. HOLT of New Jersey.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. DEFAZIO

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 188, noes 227, not voting 17, as follows:

[Roll No. 460]

AYES—188

Barber	Engel	Lowey
Barrow (GA)	Enyart	Lujan Grisham
Bass	Eshoo	(NM)
Beatty	Esty	Lujan, Ben Ray
Becerra	Farr	(NM)
Bera (CA)	Fattah	Lynch
Bishop (GA)	Foster	Maffei
Bishop (NY)	Frankel (FL)	Maloney,
Blumenauer	Fudge	Carolyn
Bonamici	Gabbard	Maloney, Sean
Brady (PA)	Galleo	Matsui
Braley (IA)	Garamendi	McCarthy (NY)
Brown (FL)	Grayson	McCollum
Brownley (CA)	Green, Al	McDermott
Bustos	Green, Gene	McGovern
Butterfield	Grijalva	McIntyre
Capps	Gutiérrez	McNerney
Capuano	Hahn	Meeks
Cárdenas	Hastings (FL)	Meng
Carney	Heck (WA)	Michaud
Carson (IN)	Higgins	Miller, George
Cartwright	Himes	Moore
Castor (FL)	Hinojosa	Moran
Castro (TX)	Holt	Murphy (FL)
Chu	Honda	Nadler
Ciçilline	Horsford	Napolitano
Clark (MA)	Hoyer	Neal
Clarke (NY)	Huffman	Negrete McLeod
Clyburn	Jackson Lee	Nolan
Cohen	Jeffries	O'Rourke
Connolly	Johnson (GA)	Owens
Cooper	Johnson, E. B.	Pallone
Costa	Kaptur	Pascrell
Courtney	Keating	Pastor (AZ)
Crowley	Kelly (IL)	Payne
Cuellar	Kennedy	Perlmutter
Cummings	Kildee	Peters (CA)
Davis (CA)	Kilmer	Peters (MI)
Davis, Danny	Kind	Pingree (ME)
DeFazio	Kirkpatrick	Pocan
DeGette	Kuster	Polis
Delaney	Langevin	Price (NC)
DeLauro	Larsen (WA)	Quigley
DelBene	Larson (CT)	Rahall
Deutch	Lee (CA)	Rangel
Dingell	Levin	Richmond
Doggett	Lewis	Roybal-Allard
Doyle	Lipinski	Ruiz
Duckworth	Loeb	Ruppersberger
Edwards	Lofgren	Rush
Ellison	Lowenthal	Ryan (OH)

Sánchez, Linda T.	Sherman Sinema	Van Hollen Vargas
Sanchez, Loretta	Sires	Veasey
Sarbanes	Slaughter	Vela
Schakowsky	Smith (WA)	Velázquez
Schiff	Speier	Visclosky
Schneider	Swalwell (CA)	Wasserman
Schrader	Takano	Schultz
Schwartz	Thompson (CA)	Waters
Scott (VA)	Thompson (MS)	Welch
Scott, David	Tierney	Wilson (FL)
Serrano	Titus	Yarmuth
Sewell (AL)	Tonko	
Shea-Porter	Tsongas	

NOES—227

Aderholt	Griffith (VA)	Perry
Amash	Grimm	Peterson
Amodei	Guthrie	Petri
Bachmann	Hall	Pittenger
Bachus	Hanna	Pitts
Barletta	Harper	Poe (TX)
Barr	Harris	Posey
Barton	Hartzler	Price (GA)
Benishek	Hastings (WA)	Reed
Bentivolio	Heck (NV)	Reichert
Bilirakis	Hensarling	Renacci
Bishop (UT)	Herrera Beutler	Ribble
Black	Holding	Rice (SC)
Blackburn	Hudson	Rigell
Boustany	Huelskamp	Roby
Bridenstine	Huizenga (MI)	Roe (TN)
Brooks (AL)	Hultgren	Rogers (AL)
Brooks (IN)	Hunter	Rogers (KY)
Broun (GA)	Hurt	Rogers (MI)
Buchanan	Issa	Rohrabacher
Bucshon	Jenkins	Rokita
Burgess	Johnson (OH)	Rooney
Byrne	Johnson, Sam	Roskam
Calvert	Jolly	Ross
Camp	Jones	Rothfus
Campbell	Jordan	Royce
Cantor	Joyce	Runyan
Capito	Kelly (PA)	Ryan (WI)
Carter	King (IA)	Salmon
Chabot	King (NY)	Sanford
Chaffetz	Kingston	Scalise
Clawson (FL)	Kinzinger (IL)	Schock
Coble	Kline	Schweikert
Coffman	Labrador	Scott, Austin
Cole	LaMalfa	Sensenbrenner
Collins (GA)	Lamborn	Sessions
Collins (NY)	Lance	Shimkus
Conaway	Lankford	Shuster
Cook	Latham	Simpson
Cotton	Latta	Smith (MO)
Cramer	LoBiondo	Smith (NE)
Crawford	Long	Smith (NJ)
Crenshaw	Lucas	Smith (TX)
Culberson	Luetkemeyer	Southerland
Daines	Lummis	Stewart
Davis, Rodney	Marchant	Stivers
Denham	Marino	Stockman
Dent	Massie	Stutzman
DeSantis	Matheson	Terry
Duffy	McAllister	Thompson (PA)
Duncan (SC)	McCarthy (CA)	Thornberry
Duncan (TN)	McCauley	Tiberi
Ellmers	McClintock	Tipton
Farenthold	McHenry	Turner
Fincher	McKeon	Upton
Fitzpatrick	McKinley	Valadao
Fleischmann	McMorris	Wagner
Fleming	Rodgers	Walberg
Flores	Meadows	Walden
Forbes	Meehan	Walorski
Fortenberry	Messer	Walz
Fox	Mica	Weber (TX)
Franks (AZ)	Miller (FL)	Webster (FL)
Frelinghuysen	Miller (MI)	Wenstrup
Gardner	Miller, Gary	Westmoreland
Garrett	Mullin	Williams
Gerlach	Mulvaney	Wilson (SC)
Gibbs	Murphy (PA)	Wittman
Gibson	Neugebauer	Wolf
Gingrey (GA)	Noem	Womack
Gohmert	Nugent	Woodall
Goodlatte	Nunes	Yoder
Gosar	Olson	Yoho
Gowdy	Palazzo	Young (AK)
Granger	Paulsen	Young (IN)
Griffin (AR)	Pearce	

NOT VOTING—17

Brady (TX)	Conyers	Graves (GA)
Cassidy	DesJarlais	Graves (MO)
Clay	Diaz-Balart	Hanabusa
Cleaver	Garcia	

□ 1712

Messrs. WALDEN, MULLIN, COTTON, DUNCAN of South Carolina, DUNCAN of Tennessee, WESTMORELAND, and MATHESON changed their vote from “aye” to “no.”

Ms. CLARKE of New York changed her vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. WAXMAN. Mr. Speaker, on rollcall No. 460, had I been present, I would have voted “yes.”

AMENDMENT NO. 3 OFFERED BY MR. HOLT

The Acting CHAIR. The unfinished business is the request for a recorded vote on amendment No. 3 printed in House Report 113-563 offered by the gentleman from New Jersey (Mr. HOLT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 204, noes 215, not voting 13, as follows:

[Roll No. 461]

AYES—204

Barber	DelBene	Johnson (GA)
Barrow (GA)	Deutch	Johnson, E. B.
Bass	Dingell	Kaptur
Beatty	Doggett	Keating
Becerra	Doyle	Kelly (IL)
Bera (CA)	Duckworth	Kennedy
Bishop (GA)	Edwards	Kildee
Bishop (NY)	Ellison	Kilmer
Blumenauer	Engel	Kind
Bonamici	Enyart	Kirkpatrick
Brady (PA)	Eshoo	Kuster
Braley (IA)	Esty	Langevin
Brown (FL)	Farr	Larsen (WA)
Brownley (CA)	Fattah	Larson (CT)
Buchanan	Fitzpatrick	Lee (CA)
Bustos	Foster	Levin
Butterfield	Frankel (FL)	Lewis
Capps	Fudge	Lipinski
Capuano	Gabbard	LoBiondo
Cárdenas	Gallego	Loeb
Carney	Garamendi	Lofgren
Carson (IN)	Garcia	Lowenthal
Cartwright	Gibson	Lowey
Castor (FL)	Grayson	Lujan Grisham
Castro (TX)	Green, Al	(NM)
Chu	Green, Gene	Luján, Ben Ray
Ciulline	Grijalva	(NM)
Clark (MA)	Grimm	Lynch
Clarke (NY)	Gutiérrez	Maffei
Clyburn	Hahn	Maloney
Cohen	Hall	Carolyn
Connolly	Hanna	Maloney, Sean
Conyers	Hastings (FL)	Matsui
Cooper	Heck (WA)	McCarthy (NY)
Costa	Higgins	McCollum
Courtney	Himes	McDermott
Crowley	Hinojosa	McGovern
Cuellar	Holt	McIntyre
Cummings	Honda	McNerney
Davis (CA)	Horsford	Meeks
Davis, Danny	Hoyer	Meng
DeFazio	Huffman	Michaud
DeGette	Israel	Miller, George
Delaney	Jackson Lee	Moore
DeLauro	Jeffries	Moran

Murphy (FL)	Roybal-Allard	Speier
Nadler	Ruiz	Swalwell (CA)
Napolitano	Ruppersberger	Takano
Neal	Rush	Thompson (CA)
Negrete McLeod	Ryan (OH)	Thompson (MS)
Nolan	Sánchez, Linda T.	Tierney
O'Rourke	Sanchez, Loretta	Titus
Owens	Sarbanes	Tonko
Pallone	Schakowsky	Tsongas
Pascarell	Schiff	Van Hollen
Pastor (AZ)	Schneider	Vargas
Paulsen	Schrader	Veasey
Payne	Schwartz	Vela
Pelosi	Scott (VA)	Velázquez
Perlmutter	Scott, David	Visclosky
Peters (CA)	Serrano	Walz
Peters (MI)	Sewell (AL)	Wasserman
Pingree (ME)	Shea-Porter	Schultz
Pocan	Sherman	Waters
Polis	Sinema	Waxman
Price (NC)	Sires	Welch
Quigley	Slaughter	Whitfield
Rahall	Smith (NJ)	Wilson (FL)
Rangel	Smith (WA)	Yarmuth
Richmond		

NOES—215

Aderholt	Griffin (AR)	Perry
Amash	Griffith (VA)	Peterson
Amodei	Guthrie	Petri
Bachmann	Harper	Pittenger
Bachus	Harris	Pitts
Barletta	Hartzler	Poe (TX)
Barr	Hastings (WA)	Posey
Barton	Heck (NV)	Price (GA)
Benishek	Hensarling	Reed
Bentivolio	Herrera Beutler	Reichert
Bilirakis	Holding	Renacci
Bishop (UT)	Hudson	Ribble
Black	Huelskamp	Rice (SC)
Blackburn	Huizenga (MI)	Rigell
Boustany	Hultgren	Roby
Bridenstine	Hunter	Roe (TN)
Brooks (AL)	Hurt	Rogers (AL)
Brooks (IN)	Issa	Rogers (KY)
Broun (GA)	Jenkins	Rogers (MI)
Bucshon	Johnson (OH)	Rohrabacher
Burgess	Johnson, Sam	Rokita
Byrne	Jolly	Rooney
Calvert	Jones	Roskam
Camp	Jordan	Ross
Campbell	Joyce	Rothfus
Cantor	Kelly (PA)	Royce
Capito	King (IA)	Runyan
Carter	King (NY)	Ryan (WI)
Chabot	Kingston	Salmon
Chaffetz	Kinzinger (IL)	Sanford
Clawson (FL)	Kline	Scalise
Coble	Labrador	Schock
Coffman	LaMalfa	Schweikert
Cole	Lamborn	Scott, Austin
Collins (GA)	Lance	Sensenbrenner
Collins (NY)	Lankford	Sessions
Conaway	Latham	Shimkus
Cook	Latta	Shuster
Cotton	Long	Simpson
Cramer	Lucas	Smith (MO)
Crawford	Luetkemeyer	Smith (NE)
Crenshaw	Lummis	Smith (TX)
Culberson	Marchant	Southerland
Daines	Marino	Stewart
Davis, Rodney	Massie	Stockman
Denham	Matheson	Stutzman
Dent	McAllister	Terry
DeSantis	McCarthy (CA)	Thompson (PA)
Duffy	McCauley	Thornberry
Duncan (SC)	McClintock	Tiberi
Duncan (TN)	McHenry	Tipton
Ellmers	McKeon	Turner
Farenthold	McKinley	Upton
Fincher	McMorris	Valadao
Fleischmann	Rodgers	Wagner
Fleming	Meadows	Walberg
Flores	Meehan	Walden
Forbes	Messer	Walorski
Fortenberry	Mica	Weber (TX)
Fox	Miller (FL)	Webster (FL)
Franks (AZ)	Miller (MI)	Wenstrup
Frelinghuysen	Miller, Gary	Westmoreland
Gardner	Mullin	Williams
Garrett	Mulvaney	Wilson (SC)
Gerlach	Murphy (PA)	Wittman
Gibbs	Neugebauer	Wolf
Gibson	Noem	Womack
Gingrey (GA)	Nugent	Woodall
Gohmert	Nunes	Yoder
Goodlatte	Olson	Yoho
Gosar	Palazzo	Young (AK)
Gowdy	Pearce	Young (IN)

NOT VOTING—13

Brady (TX)	Diaz-Balart	Pompeo
Cassidy	Granger	Ros-Lehtinen
Clay	Graves (MO)	Stivers
Cleaver	Hanabusa	
DesJarlais	Nunnelee	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There are 2 minutes remaining.

□ 1717

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR (Mr. WOMACK).
The question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. POE of Texas) having assumed the chair, Mr. WOMACK, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 4315) to amend the Endangered Species Act of 1973 to require publication on the Internet of the basis for determinations that species are endangered species or threatened species, and for other purposes, and, pursuant to House Resolution 693, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mrs. KIRKPATRICK. Mr. Speaker, I have a motion at the desk.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Mrs. KIRKPATRICK. I am opposed to it in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mrs. Kirkpatrick moves to recommit the bill H.R. 4315 to the Committee on Natural Resources with instructions to report the same back to the House forthwith with the following amendment:

SEC. ____ . CONSULTATION WITH INDIAN TRIBES.

(a) REQUIREMENT.—The Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) is amended by adding at the end the following:

“SEC. 17. FULFILLMENT OF FEDERAL TRUST RESPONSIBILITY WITH RESPECT TO INDIAN TRIBES.

“In carrying out this Act, the Secretary shall consult with affected Indian tribes to

ensure that the Federal trust responsibility with respect to Indian tribes is fulfilled.”.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of such Act is amended by adding at the end the following: “Sec. 17. Fulfillment of Federal trust responsibility with respect to Indian tribes.”.

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that the reading be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

Mrs. KIRKPATRICK. Yes, I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will read.

The Clerk continued to read.

The SPEAKER pro tempore. The gentlewoman from Arizona is recognized for 5 minutes.

Mrs. KIRKPATRICK. Mr. Speaker, this is the final amendment to the bill. It will not kill the bill, nor send it back to committee. If it is adopted, the bill will immediately proceed to final passage.

Mr. Speaker, I am honored to represent a district that has more Native American tribes that own tribal land than any other district in the country. I have 12 tribes in my district, including the Navajo nation, where the people speak a beautiful language called Diné. So I am going to start my speech tonight in Diné.

(English translation of the statement made in Diné is as follows:)

Hello, my esteemed elders, my relatives, and my Navajo friends. It's your Congresswoman speaking, ANN KIRKPATRICK, and I work for you.

YA'ATEEH SHI' NANTAI SHI'KE SHI'DINE' ADO. AHE'HEE. NI'HI' CONGRESSWOMAN ANIH, ANN KIRKPATRICK. ADO NI'HA NASHNISH.

Mr. Speaker, I grew up on tribal land, on the White Mountain Apache where my father ran the general store, and my mother was a schoolteacher. My father spoke Apache. My first words were in Apache. And it is important that we know that the language of our Native American tribes addresses their spirituality, their culture, and their land.

What I want to talk about tonight is tribal sovereignty, because all of our tribes have their own culture, their own history, and their own language, but what they share is a deep respect for tribal sovereignty. What that means is that they are entitled, they have a right to government-to-government negotiations.

So what I want my colleagues to do tonight is do not turn your backs on our Native American people. Do not turn your backs and shut the door to our tribes. I urge you to push for the inclusion and the respect of tribal sovereignty in this legislation and that there be abundant government-to-government negotiations. Our tribes deserve that. They have that right. Let's stand with our Native Americans and make sure that we do everything possible to strengthen those government-

to-government relationships, conversations, negotiations, tribal sovereignty.

I will close my remarks tonight as I began, in Diné.

(English translation of the statement made in Diné is as follows:)

Okay. Let's move forward. Thank you.

HAGONEE, AHE'HEE!

The SPEAKER pro tempore. The gentlewoman from Arizona will provide the Clerk a translation of her remarks.

Mr. HASTINGS of Washington. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Washington is recognized for 5 minutes.

Mr. HASTINGS of Washington. Mr. Speaker, of course this body should recognize the treaties that we have made with our Native American neighbors. And I say that with the privilege of representing a central Washington district that has two Indian tribes and reservations within my district. So that goes without saying.

However, we have had on this floor I don't know how many motions to recommit. And sometimes I wonder exactly what these motions to recommit are trying to do, other than maybe just make a political point. And I have to say, Mr. Speaker, that is probably so true with this motion to recommit.

Now why do I say that? I say that because this motion to recommit implies that tribal members should be part of the discussion. Well, of course they should. But apparently my friend from Arizona did not read the bill because section 3 in the bill says very specifically that consultation should be made with locals, including tribes.

And to add insult to injury, Mr. Speaker, the last amendment that was offered, offered by my friend from New Jersey (Mr. HOLT), would take out the section that says tribal respect ought to be in the underlying bill, and the gentlewoman from Arizona voted for it. Now she comes down to the floor and says we ought to insert into the bill something for tribal authorities that we already had in the bill.

I have no idea, Mr. Speaker, where these motions to recommit are going, but I will say this. This bill deals with transparency in the Federal Government to the citizens of the United States. That ought to be number one on our minds, and that is what this bill does.

I urge my colleagues to vote against the motion to recommit and for the underlying bill.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mrs. KIRKPATRICK. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 5-minute vote on the motion to recommit will be followed by 5-minute votes on the passage of the bill, if ordered; the motion to suspend the rules and pass H.R. 4809; and agreeing to the Speaker's approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—ayes 197, noes 225, not voting 10, as follows:

[Roll No. 462]

AYES—197

Barber	Grijalva	O'Rourke
Barrow (GA)	Gutiérrez	Owens
Bass	Hahn	Pallone
Beatty	Hastings (FL)	Pascarell
Becerra	Heck (WA)	Pastor (AZ)
Bera (CA)	Higgins	Payne
Bishop (GA)	Himes	Pelosi
Bishop (NY)	Hinojosa	Perlmutter
Blumenauer	Holt	Peters (CA)
Bonamici	Honda	Peters (MI)
Brady (PA)	Horsford	Peterson
Braley (IA)	Hoyer	Pingree (ME)
Brown (FL)	Huffman	Pocan
Brownley (CA)	Israel	Polis
Bustos	Jackson Lee	Price (NC)
Butterfield	Jeffries	Quigley
Capps	Johnson (GA)	Rahall
Capuano	Johnson, E. B.	Rangel
Cárdenas	Jones	Richmond
Carney	Kaptur	Roybal-Allard
Carson (IN)	Keating	Ruiz
Cartwright	Kelly (IL)	Ruppersberger
Castor (FL)	Kennedy	Rush
Castro (TX)	Kildee	Ryan (OH)
Chu	Kilmer	Sánchez, Linda T.
Ciçilline	Kind	Sanchez, Loretta
Clark (MA)	Kirkpatrick	Sarbanes
Clarke (NY)	Kuster	Schakowsky
Clyburn	Langevin	Schiff
Cohen	Larsen (WA)	Schneider
Connolly	Larson (CT)	Schrader
Conyers	Lee (CA)	Schwartz
Cooper	Levin	Scott (VA)
Costa	Lewis	Scott, David
Courtney	Lipinski	Serrano
Crowley	Loebach	Seiwel (AL)
Cuellar	Lofgren	Shea-Porter
Cummings	Lowenthal	Sherman
Davis (CA)	Lowey	Sinema
Davis, Danny	Lujan Grisham	Sires
DeFazio	(NM)	Slaughter
DeGette	Lujan, Ben Ray	Smith (WA)
Delaney	(NM)	Speier
DeLauro	Lynch	Swalwell (CA)
DeBene	Maffei	Takano
Deutch	Maloney,	Thompson (CA)
Dingell	Carolyn	Thompson (MS)
Doggett	Maloney, Sean	Tierney
Doyle	Matheson	Titus
Duckworth	Matsui	Tonko
Edwards	McCarthy (NY)	Tsongas
Ellison	McCollum	Van Hollen
Engel	McDermott	Vargas
Enyart	McGovern	Veasey
Eshoo	McIntyre	Vela
Esty	McNerney	Velázquez
Farr	Meeks	Visclosky
Fattah	Meng	Walz
Foster	Michaud	Wasserman
Frankel (FL)	Miller, George	Schultz
Fudge	Moore	Waters
Gabbard	Moran	Waxman
Gallego	Murphy (FL)	Welch
Garamendi	Nadler	Wilson (FL)
Garcia	Napolitano	Yarmuth
Grayson	Neal	
Green, Al	Negrete McLeod	
Green, Gene	Nolan	

NOES—225

Aderholt	Bentivolio	Broun (GA)
Amash	Bilirakis	Buchanan
Amodei	Bishop (UT)	Bucshon
Bachmann	Black	Burgess
Bachus	Blackburn	Byrne
Barletta	Boustany	Calvert
Barr	Bridenstine	Camp
Barton	Brooks (AL)	Campbell
Benishhek	Brooks (IN)	Cantor

Capito	Hultgren	Renacci
Carter	Hunter	Ribble
Chabot	Hurt	Rice (SC)
Chaffetz	Issa	Rigell
Clawson (FL)	Jenkins	Roby
Coble	Johnson (OH)	Roe (TN)
Coffman	Johnson, Sam	Rogers (AL)
Cole	Jolly	Rogers (MI)
Collins (GA)	Jordan	Rohrabacher
Collins (NY)	Joyce	Rokita
Conaway	Kelly (PA)	Rooney
Cook	King (IA)	Ros-Lehtinen
Cotton	King (NY)	Roskam
Cramer	Kingston	Ross
Crawford	Kinzing (IL)	Rothfus
Crenshaw	Kline	Royce
Culberson	Labrador	Runyan
Daines	LaMalfa	Ryan (WI)
Davis, Rodney	Lamborn	Salmon
Denham	Lance	Sanford
Dent	Lankford	Scalise
DeSantis	Latham	Schock
Diaz-Balart	Latta	Schweikert
Duffy	LoBiondo	Scott, Austin
Duncan (SC)	Long	Sensenbrenner
Duncan (TN)	Lucas	Sessions
Ellmers	Luetkemeyer	Shimkus
Farenthold	Lummis	Shuster
Fincher	Marchant	Simpson
Fitzpatrick	Marino	Smith (MO)
Fleischmann	Massie	Smith (NE)
Fleming	McAllister	Smith (NJ)
Flores	McCarthy (CA)	Smith (TX)
Forbes	McCaul	Southerland
Fortenberry	McClintock	Stewart
Price	Fox	Stivers
Franks (AZ)	McKeon	Stockman
Frelinghuysen	McKinley	Stutzman
Gardner	McMorris	Terry
Garrett	Rodgers	Thompson (PA)
Gerlach	Meadows	Thornberry
Gibbs	Meehan	Tiberi
Gibson	Messer	Tipton
Gingrey (GA)	Mica	Turner
Gohmert	Miller (FL)	Upton
Goodlatte	Miller (MI)	Valadao
Gosar	Miller, Gary	Wagner
Gowdy	Mullin	Walberg
Granger	Mulvaney	Walden
Graves (GA)	Murphy (PA)	Walorski
Griffin (AR)	Neugebauer	Waters
Griffith (VA)	Noem	Webster (FL)
Grimm	Nugent	Wenstrup
Guthrie	Nunes	Westmoreland
Hall	Olson	Whitfield
Hanna	Palazzo	Williams
Harper	Paulsen	Wilson (SC)
Harris	Pearce	Wittman
Hartzler	Perry	Wolf
Hastings (WA)	Petri	Womack
Heck (NV)	Pittenger	Woodall
Hensarling	Pitts	Yoder
Herrera Beutler	Poe (TX)	Yoho
Holding	Possey	Young (AK)
Hudson	Price (GA)	Young (IN)
Huelskamp	Reed	
Huizenga (MI)	Reichert	

NOT VOTING—10

Brady (TX)	DesJarlais	Pompeo
Cassidy	Graves (MO)	Rogers (KY)
Clay	Hanabusa	
Cleaver	Nunnelee	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1734

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DEFazio. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 233, noes 190, not voting 9, as follows:

[Roll No. 463]

AYES—233

Aderholt	Granger	Perry
Amash	Graves (GA)	Peters (MI)
Amodei	Green, Gene	Peterson
Bachmann	Griffin (AR)	Petri
Bachus	Griffith (VA)	Pittenger
Barletta	Guthrie	Pitts
Barr	Hall	Poe (TX)
Barrow (GA)	Harper	Possey
Barton	Harris	Price (GA)
Benishhek	Hartzler	Reed
Bentivolio	Hastings (WA)	Reichert
Bilirakis	Heck (NV)	Renacci
Bishop (GA)	Hensarling	Ribble
Bishop (UT)	Herrera Beutler	Rice (SC)
Black	Holding	Rigell
Blackburn	Horsford	Roby
Boustany	Hudson	Roe (TN)
Bridenstine	Huelskamp	Rogers (AL)
Brooks (AL)	Huizenga (MI)	Rogers (KY)
Brooks (IN)	Hultgren	Rogers (MI)
Broun (GA)	Hunter	Rohrabacher
Bucshon	Hurt	Rokita
Burgess	Issa	Rooney
Byrne	Jenkins	Ros-Lehtinen
Calvert	Johnson (OH)	Roskam
Camp	Johnson, Sam	Ross
Campbell	Jolly	Rothfus
Cantor	Jones	Royce
Capito	Jordan	Runyan
Carter	Joyce	Ryan (WI)
Chabot	Kelly (PA)	Salmon
Chaffetz	King (IA)	Sanford
Clawson (FL)	King (NY)	Scalise
Coble	Kingston	Schock
Coffman	Kinzing (IL)	Schrader
Cole	Kline	Schweikert
Collins (GA)	Labrador	Scott, Austin
Collins (NY)	LaMalfa	Sensenbrenner
Conaway	Lamborn	Sessions
Cook	Lankford	Shimkus
Costa	Latham	Shuster
Cotton	Latta	Simpson
Cramer	Long	Smith (MO)
Crawford	Lucas	Smith (NE)
Crenshaw	Luetkemeyer	Smith (TX)
Cuellar	Lummis	Southerland
Culberson	Marchant	Stewart
Daines	Marino	Stivers
Davis, Rodney	Massie	Stockman
Denham	Matheson	Stutzman
Dent	McAllister	Terry
DeSantis	McCarthy (CA)	Thompson (PA)
Diaz-Balart	McCaul	Thornberry
Duffy	McClintock	Tiberi
Duncan (SC)	McHenry	Tipton
Duncan (TN)	McIntyre	Turner
Ellmers	McKeon	Upton
Enyart	McKinley	Valadao
Farenthold	McMorris	Vela
Fincher	Rodgers	Wagner
Fleischmann	Meadows	Walberg
Fleming	Meehan	Walden
Flores	Messer	Walorski
Forbes	Mica	Weber (TX)
Fortenberry	Miller (FL)	Webster (FL)
Fox	Miller (MI)	Wenstrup
Franks (AZ)	Miller, Gary	Westmoreland
Frelinghuysen	Mullin	Whitfield
Garamendi	Mulvaney	Williams
Gardner	Murphy (PA)	Wilson (SC)
Garrett	Neugebauer	Wittman
Gerlach	Noem	Wolf
Gibbs	Nugent	Womack
Gingrey (GA)	Nunes	Woodall
Gohmert	Olson	Yoder
Goodlatte	Palazzo	Yoho
Gosar	Paulsen	Young (AK)
Gowdy	Pearce	Young (IN)

NOES—190

Barber	Buchanan	Ciçilline
Bass	Bustos	Clark (MA)
Beatty	Butterfield	Clarke (NY)
Becerra	Capps	Clyburn
Bera (CA)	Capuano	Cohen
Bishop (NY)	Cárdenas	Connolly
Blumenauer	Carney	Conyers
Bonamici	Carson (IN)	Cooper
Brady (PA)	Cartwright	Courtney
Braley (IA)	Castor (FL)	Crowley
Brown (FL)	Castro (TX)	Cummings
Brownley (CA)	Chu	Davis (CA)

Davis, Danny
DeFazio
DeGette
DeLauro
DelBene
Deutch
Dingell
Doggett
Doyle
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fattah
Fitzpatrick
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garcia
Gibson
Grayson
Green, Al
Grijalva
Grimm
Gutiérrez
Hahn
Hanna
Hastings (FL)
Heck (WA)
Higgins
Himes
Hinojosa
Holt
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer

Kind
Kirkpatrick
Kuster
Lance
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis
Lipinski
LoBiondo
Loeb sack
Lofgren
Lowenthal
Lowey
Lujan Grisham
(NM)
Luján, Ben Ray
(NM)
Lynch
Maffei
Maloney,
Carolyn
Maloney, Sean
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Michaud
Miller, George
Moore
Moran
Murphy (FL)
Nadler
Napolitano
Neal
Negrete McLeod
Nolan
O'Rourke
Owens
Pallone
Pascarell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters (CA)
Pingree (ME)

Pocan
Polis
Price (NC)
Quigley
Rahall
Rangel
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schneider
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Vargas
Veasey
Velázquez
Visclosky
Walz
Wasserman
Welch
Waxman
Welch
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yarmuth
Yoder
Young (AK)
Young (IN)

NOT VOTING—9

Brady (TX)
Cassidy
Clay

Cleaver
DesJarlais
Graves (MO)

Hanabusa
Nunnelee
Pompeo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1741

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. HORSFORD. Mr. Speaker, during roll-call vote No. 463 on H.R. 4315, I mistakenly recorded my vote as “yes” when I should have voted “no.”

REAUTHORIZATION OF THE
DEFENSE PRODUCTION ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 4809) to reauthorize the Defense Production Act, to improve the Defense Production Act Committee, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr.

CAMPBELL) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 386, nays 32, not voting 14, as follows:

[Roll No. 464]

YEAS—386

Aderholt
Bachmann
Bachus
Barber
Barletta
Barr
Barrow (GA)
Barton
Bass
Beatty
Becerra
Benishek
Bera (CA)
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
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Fincher
Fitzpatrick
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Forbes
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Fox
Frank (FL)
Frank (AZ)
Frelinghuysen
Fudge
Gabbard
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Garamendi
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Gardner
Gerlach
Gibbs
Gibson
Gingrey (GA)
Goodlatte
Gosar
Granger
Graves (GA)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
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Lipinski
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Lowey
Lucas
Luetkemeyer
Lujan Grisham
(NM)
Luján, Ben Ray
(NM)
Lynch
Maffei
Maloney,
Carolyn
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Marchant
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McCarthy (CA)
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McDermott
McGovern
McHenry
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McKeon
McKinley
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Rodgers
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Meadows
Meehan
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Messer
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Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Moore
Moran
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Murphy (FL)
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Nugent
Nunes
O'Rourke
Olson

Owens
Palazzo
Pallone
Pascarell
Pastor (AZ)
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Peters (CA)
Peters (MI)
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Pingree (ME)
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Pitts
Pocan
Price (GA)
Price (NC)
Quigley
Rahall
Rangel
Reed
Reichert
Renacci
Richmond
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross
Rothfus
Roybal-Allard
Royce
Ruiz
Runyan

Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salmon
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schneider
Schock
Schrader
Schwartz
Scott (VA)
Scott, Austin
Scott, David
Serrano
Sessions
Sewell (AL)
Shea-Porter
Sherman
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Shuster
Simpson
Sinema
Sires
Slaughter
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stewart
Stivers
Swalwell (CA)
Takano
Terry
Thompson (CA)

NAYS—32

Amash
Bentivolio
Broun (GA)
Burgess
Duncan (SC)
Duncan (TN)
Garrett
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Harris

Huelskamp
Jones
Jordan
Labrador
Lummis
Massie
McClintock
Mulvaney
Perry
Poe (TX)
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Posey
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Sanford
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Sensenbrenner
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Stutzman
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Amodei
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Cassidy
Clay
Cleaver

Coffman
DesJarlais
Graves (MO)
Hanabusa
Lowenthal

Nunnelee
Pompeo
Rice (SC)
Yoho

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PITTINGER) (during the vote). There are 2 minutes remaining.

□ 1748

Messrs. POE of Texas and STUTZMAN changed their vote from “yea” to “nay.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore (Mr. PITTINGER). The unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H. RES. 676, AUTHORIZATION TO INITIATE LITIGATION FOR ACTIONS BY THE PRESIDENT; PROVIDING FOR CONSIDERATION OF H.R. 935, REDUCING REGULATORY BURDENS ACT OF 2013; AND PROVIDING FOR PROCEEDINGS DURING THE PERIOD FROM AUGUST 1, 2014, THROUGH SEPTEMBER 5, 2014

Mr. NUGENT, from the Committee on Rules, submitted a privileged report (Rept. No. 113-566) on the resolution (H. Res. 694) providing for consideration of the resolution (H. Res. 676) providing for authority to initiate litigation for actions by the President or other executive branch officials inconsistent with their duties under the Constitution of the United States; providing for consideration of the bill (H.R. 935) to amend the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Water Pollution Control Act to clarify Congressional intent regarding the regulation of the use of pesticides in or near navigable waters, and for other purposes; and providing for proceedings during the period from August 1, 2014, through September 5, 2014, which was referred to the House Calendar and ordered to be printed.

MOMENT OF SILENCE HONORING M. CALDWELL BUTLER

(Mr. GOODLATTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Speaker, our Nation has lost a true public servant. Congressman Caldwell Butler, who represented the Sixth Congressional District of Virginia from 1972 to 1983, passed away last night. He will be remembered for many things, including his sharp legal mind and an integral role in the Watergate investigation and the Nixon impeachment proceedings.

A genuine family man, he treasured his wife, June, and their four sons. I am especially thankful to have served as a member of his staff many years ago and to serve the same Sixth District today. My thoughts and prayers are with the Butler family during this difficult time.

Mr. Speaker, I ask that my colleagues join me and members of the Virginia delegation in a moment of silence in honor and in the memory of M. Caldwell Butler.

SUPPORTING KURDISH ALLIES

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in support of our Kurdish allies in the Middle East.

The Kurdish people are one of America's strongest allies in the Middle

East. In 2003 leading up to the Iraq war, the Kurdish people, positioned in the northern part of Iraq, opened their arms to American troops and welcomed their liberation after decades of oppression from Saddam Hussein's regime.

Recently, with the ISIS insurgency in Iraq, the Kurdish Regional Government has remained firm in protecting Iraq and have managed to maintain stability in a volatile region.

Currently, a Kurdish tanker is anchored off the coast of Texas with an estimated \$100 million worth of crude oil aboard. The KRG presently maintains federal control over their region despite the objections of the Iraqi central government. Even though the ship was cleared on Sunday by the U.S. Coast Guard, a Federal judge ruled that the cargo could be seized by U.S. Marshals at the request of the Iraqi oil ministry.

The claim of misappropriation by the Iraqi oil ministry could be viewed as exclusionary. Congress and the administration need to pressure the Maliki government to be more inclusive.

The Kurdish Regional Government, at present, exports billions of dollars each year in crude oil to major allies of the United States all over the world. It should always be our mission to support our allies in the Middle East and move in the right direction in our relationship with the Kurds.

THE IRS

(Mr. WENSTRUP asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WENSTRUP. Mr. Speaker, if a Cincinnati were audited tomorrow, the IRS would expect my constituent to have the last 7 years of records to simply prove their compliance with the law. The IRS? Not so much. It is a different standard for them.

After spending years politically targeting Americans, and trampling the First Amendment to silence opposition, the IRS is hiding from the American people. Now, instead of coming clean, the IRS is essentially saying: Sorry, the dog ate my homework. They say: Our emails are missing.

It would appear that Lois Lerner knew what she was doing. In April 2013 she warned staff to be cautious about what information they put in emails.

The Federal Government cannot and should not expect to live above the rules that govern every hardworking American. The breach of trust is devastating. The American people expect a government that is answerable to the people, not one that shirks any accountability or responsibility for blatant political abuse.

A viable special prosecutor must be appointed to get answers. We can't continue to let bureaucrats hide from justice.

HELPING FLORIDA'S MARINE INDUSTRY

(Ms. FRANKEL of Florida asked and was given permission to address the House for 1 minute.)

Ms. FRANKEL of Florida. Mr. Speaker, south Florida has a booming marine industry, from our huge freighters to our Sunday boaters, generating over \$8.9 billion a year to our local economy. So I am very proud to join with DEBBIE WASSERMAN SCHULTZ and Kristy Hebert, owner of Ward's Marine Electric, in trying to fix a problem.

Businesses like Kristy's have to pay upward of \$200,000 a year for providing recreational boat services, the same as companies that are providing services to 100,000-ton petroleum vessels. Obviously, the risks are different, and so H.R. 3896 is going to fix this problem. Workers are still going to be protected, and at an affordable cost for the employers.

SECURING THE SOVEREIGNTY OF THE UNITED STATES

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, I was down on the Texas-Mexico border this weekend. I met with Federal officials, and I met with State officials as well.

I want to commend the work that the State of Texas is doing to protect and secure the sovereignty of the United States, including the Department of Public Safety, local law enforcement, Parks and Wildlife law enforcement, the Texas Rangers, and soon to be the National Guard. It is obvious to me that they are on the border and they are protecting the sovereignty of our country for all Americans.

While meeting with the Border Patrol, I asked them where are these people coming from that are so quickly coming to the United States. They told me they are coming from 144 countries. Most recently, 2 weeks ago, there were three Ukrainians who crossed into the United States. The reason why is because the word is out to the world that if you can cross into the United States through Texas, you are going to get to stay. That is too bad. That is tragic.

It is the first duty of government to secure the national borders of any country. That is the obligation of our country, and it is the obligation of this administration. We protect the borders of other nations. It is about time we protect the border of the United States of America.

And that is just the way it is.

IN MEMORY OF MOST REVEREND ROBERT W. DONNELLY

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, today in Toledo, Ohio, in the 19-county diocese

to which he dedicated his selfless life, the beloved most Reverend Roman Catholic Bishop Robert W. Donnelly was laid to rest. This “priest of priests,” gentle soul, humble leader, and compassionate shepherd passed from this life on July 21, 2014. With loving gratitude, our entire community extends its deepest appreciation for his life and deepest sympathy to his family and friends at his passing.

Bishop Donnelly’s religious life spanned 57 years, and he served as parish priest for seven congregations and taught in two Catholic high schools. Everywhere, he was of the people and revered.

What a priest, what a bishop, what a shepherd was he—a gentle and holy man and a powerful religious leader. The thousands upon thousands of homilies and religious messages he shared were not bombastic but wise. He touched thousands upon thousands of people across generations with baptisms, graduations, communions, marriages, funerals, and confirmations. Bishop Donnelly was a man of peace. He was hardworking and always present when it mattered.

With his extraordinary brother priest, Father Martin Donnelly, with whom he retired, their service cannot be measured in years but, rather, in devotion to imbuing real meaning to the faith to which they devoted their lives.

May God grant him eternal rest as the joy of his spirit is released to eternity.

MOST REV. ROBERT W. “BISHOP BOB”
DONNELLY

Most Reverend Robert William Donnelly passed on to eternal life on July 21, 2014, surrounded by his family after a short illness. Born in Toledo March 22, 1931, to Agnes (Quinn) and Leonard Donnelly, he was a son of West Toledo’s Most Blessed Sacrament Parish, living close by and attending elementary school there—the tallest kid in the 8th grade. As a teen he worked summers as a day camp supervisor at Close Park. During his high school years in the Class of 1949 at Central Catholic he played football and CYO basketball and baseball, and was an avid CCHS tennis player; he captained the tennis team there. Later, at Quinn Family reunions he was the pitcher for the annual softball games. He enthusiastically donned costumes for family reunions and the Blessed Sacrament Halloween Parades. And he had golf in his blood, avidly playing the game.

Bishop Bob earned a Bachelor’s degree in Philosophy at St. Meinrad College Seminary. Ordained a priest May 25, 1957, he loved his years in pastoral ministry at Sandusky St. Mary, Landeck St. John, Spencerville St. Patrick, Rossford Ss. Cyril & Methodius, Toledo St. Clement, Toledo St. Charles, and Fostoria St. Wendelin; and teaching at Delphos St. John and Oregon Cardinal Stritch high schools. In every assignment, his heart was always with the people.

He earned a Master’s degree in Theology at Saint John’s University, Collegeville, Minnesota and attended graduate school programs at Mount Saint Mary Seminary, Norwood, Ohio; Xavier University, Cincinnati; and the University of Toledo. He was ordained Bishop on May 3, 1984. As Toledo Auxiliary Bishop he was appointed to several diocesan positions, serving as Vicar General for 20 years and diocesan administrator fol-

lowing the death of Bishop James Hoffman; he was chairman of the diocesan Ecumenical Commission, a Pro-Synodal consultant, a director of RENEW, and a member of the diocesan board of consultants. He also served on the National Council of Catholic Bishops’ committees for Pastoral Practices, Evangelization, and African America Catholics as well as local boards of St. Vincent’s Hospital, United Way, and Advocates for Basic Legal Equality (ABLE). He retired in May 2006.

Brother priests have known him as “a priest of priests.” He is remembered as a truly gentle man, a warm and loyal friend, a wonderful mentor, respectful, humble, a people person. His friends and family say that he was always open and would give his full attention to whatever they had to say, putting them at ease; he could always find something good in everyone. When he presided at Mass, people knew it wasn’t “his” Mass; it was a prayer of, and for, and by, everyone. He gathered often with life-long friends for cards and camaraderie, loved to vacation with family, and cherished friendships with brother priests. He enjoyed cooking and was good at it, taking special care with holiday dinners of crown roast, apple dumplings, and caesar salad. He later shared and traded secret recipes with his beloved cousin, cook, housekeeper, and friend Dorothy “Buck” Taylor.

With subtle wit and care, Bishop Bob loved his family and friends and took delight in children. His many cousins, nieces, and nephews affectionately call him “Uncle Father Bishop Bob.” He had a seemingly endless line of advice seekers who he couldn’t be more excited and willing to tend to. His Irish heritage inspired him to take a group of the younger generation of family members to Ireland to meet their blood kin. When asked a question, his responses were well-thought-out, detailed, and explained.

Bishop Bob was predeceased by his parents, brother Quinn Donnelly, sister Mary Hendricks, and cousins Fr. Tom Quinn and Betty Mears. He is survived by his brother, Fr. Marty Donnelly, his brother-in-law Pat Hendricks, nieces and nephews Ann (Tim) Doran, Larry (Sharon) Hendricks, Jim (Julie) Hendricks, Mike (Kaye) Hendricks, Kay (Bill) Byrne, and David (Betsy) Hendricks; 24 great nieces and nephews; and 12 great-great nieces and nephews.

Friends may visit Monday, July 28, from 2 to 8 p.m. at Our Lady Queen of the Most Holy Rosary Cathedral, 2535 Collingwood Boulevard, Toledo, where a Vigil Service will be celebrated at 7 p.m. Rosary will be prayed Tuesday, July 29, at 10 a.m., with visitation until 11:45 a.m. The Funeral Mass of Resurrection will be celebrated at noon Tuesday, followed by burial at Resurrection Cemetery. Arrangements by Blanchard-Strabler Funeral Home (419-269-1111) The family would appreciate that any memorial donations be sent to St. Martin de Porres, 1119 W. Bancroft Street, Toledo, OH 43606. Online condolences: blanchardstrabler.com.

□ 1800

SUPPORT OF ISRAEL

(Mr. ROKITA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROKITA. Mr. Speaker, I rise today to reaffirm my support for one of our closest allies, Israel, as they combat a surge of violence against their sovereign country from the terrorist group Hamas.

The history of the Jewish people is one of faith, honor, and most importantly, survival. This situation is no different.

Hamas claims that Israel has no right to exist and uses tactics that are beneath the dignity of the human race as they carry out these attacks.

Israel has proven time and time again it is a willing and a waiting partner in the struggle for peace in the region. It continues to endure and defend against attack after attack, however, quite often without retaliation. Yet, faced with the pure evil that Hamas represents, no one should find fault in Israel’s measured response and efforts to ensure these attacks are halted and halted for good.

We must continue to show our unwavering support for our friend and ally, Israel.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO LEBANON—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 113-142)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency with respect to Lebanon that was declared in Executive Order 13441 of August 1, 2007, is to continue in effect beyond August 1, 2014.

Certain ongoing activities, such as continuing arms transfers to Hizballah, which include increasingly sophisticated weapons systems, undermine Lebanese sovereignty, contribute to political and economic instability in the region, and continue to constitute an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency declared in Executive Order 13441 with respect to Lebanon.

BARACK OBAMA.
THE WHITE HOUSE, July 29, 2014.

ISRAEL’S RIGHT TO PROTECT ITSELF

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 3, 2013, the gentleman from Utah

(Mr. STEWART) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Mr. STEWART. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. STEWART. Mr. Speaker, we live in a very dangerous world. It seems like there is chaos and darkness all around us. As a former Air Force pilot, I have seen the results of abusive power in a very real way.

It seems like every time we turn on the television or we read the news, we get the feeling that the world is being turned upside down. The wheels have come off the train and we seem to be careening towards the cliff: Russia takes Crimea and then sends untrained troops into eastern Ukraine; tens of thousands of deaths in Syria, with millions of refugees; the recent evacuation of our own Embassy in Libya; Iran working toward a nuclear weapon; ISIS in Iraq creating essentially a terrorist state; the crisis of Chinese power threatening significant parts of the Eastern world. The list of concerns is very long, indeed.

But nowhere is the strife and uncertainty more dangerous, more strategic, and more critical to U.S. interests than what we are witnessing in Israel and their military operations in Gaza.

Israel is the most important ally in the region that we have. It has the only democratically elected government in a very unstable and violent part of the world. It has a vibrant, free capitalistic society that respects human rights, that respects women's rights, that respects minority rights, even the religious minorities.

Let me say this as clearly and as unambiguously as I can: Israel is our friend and our ally. So tonight we stand with Israel and state without equivocation that Israel has a right to defend itself.

Let me set the stage for the crisis that is happening right now, very quickly.

September 2005: Israel withdraws from Gaza Strip, home to some 1.8 million people. Thousands of Israelis are uprooted and missile fire from Gaza into Israel increases dramatically.

A few short months later, in January 2006, Hamas deposes Fatah, wins elections, and becomes the ruling party of Gaza. The United States, Britain, and all the European Union consider Hamas a terrorist organization.

June 2007: Hamas seizes power in Gaza with Mahmoud Abbas and the Palestinian Authority.

Skipping ahead now to May 2014: rocket attacks from Gaza to Israel increase.

June 12, 2014: Three Israeli teenagers are kidnapped and killed on the West

Bank. The PA aids Israel Defense Forces in clamping down on Hamas in the West Bank and tension increases significantly. As a result of that, Hamas unleashes hundreds of rockets in Israel.

Finally, July 7, 2014: the Israel Defense Forces launch Operation Protective Edge. Its goal is to stop the insistent rocket attacks in Israel. Within a week, they expand to an offensive ground war. Its purpose is to destroy Hamas tunnels built for military use against Israel. Now, we will talk more about these tunnels, but let me mention just briefly that, to date, Israel has uncovered more than 66 access shafts to 30 tunnels. Palestinian militants have fired, to date, more than 2,000 rockets since the fighting began on July 8.

Let me put that in perspective before I turn the time over to some of my colleagues.

Imagine, if you will, that al Qaeda or ISIS in Iraq has pledged the destruction of the U.S., something which is not hard to imagine. Now imagine they placed a military frigate off our eastern shore. Now, they claim that it is a supply ship, they say that it has no military purpose, that it only has civilian and peaceful purposes. But then imagine they start lobbing not a few and not dozens, but hundreds of rockets and missiles along our eastern shore, specifically targeting cities where millions of innocent families live.

What would we do? What should we do. Would you expect your government, your President, to protect you? Of course, we would. We would defend ourselves. We would seek the elimination of the threat. We would protect our own people, our values, our way of life. Any Nation would, and every Nation should be able to do that.

That is all the State of Israel is asking: the right to defend itself. That is why we are here tonight, to defend a friend and ally against not only missiles and rockets, but against an onslaught of deception in the world of public opinion. We want our friends in Israel to know that they do not stand alone.

I have invited some of my friends and colleagues to share the floor with me this evening as we stand firm and united in the defense of Israel and their right to protect themselves.

I would like to begin with my colleague Dr. WENSTRUP from Ohio. He is a fellow veteran, he has served in the Army Reserves since 1989, and served a tour in Iraq. He sits on the House Armed Services and the Committee on Veterans' Affairs. I yield to Dr. WENSTRUP.

Mr. WENSTRUP. Thank you. I appreciate my friend, the gentleman from Utah, for putting this together tonight to allow us to share our message in support of Israel.

The fear that has engulfed innocent civilians in this conflict is really unthinkable. In southern Ohio and across America, could you imagine rockets

raining down indiscriminately on Cincinnati or Chillicothe or Portsmouth? Ohioans know the fear that they feel when they hear tornado sirens blare and the impending threat of possible destruction. Imagine that fear amplified and extended continuously over weeks by an enemy that seeks to eliminate your country and your countrymen.

The continued success of the Iron Dome has protected countless innocents and weakened the perpetual threat posed by the terrorist organizations that surround them. I am proud to say that America has been a strong partner in pioneering this technology.

While Israel continues to protect their people with the Iron Dome, Hamas urges Palestinians to become human shields to protect their Hamas rockets.

We all hope for a peaceful resolution to the current conflict. Unfortunately, Hamas continually rejects cease-fire deals. Hamas refuses to recognize Israel's right to exist and is dedicated to destroying the State of Israel.

Just yesterday, Hamas used tunnels to burrow into Israel and ambush Israeli soldiers, killing many. Can you imagine a terrorist group with tunnels built to infiltrate your town, your village, your city?

The construction materials used to build these terrorist tunnels were intended to construct schools and hospitals, but Hamas would rather continue its perpetual aggression with Israel than better the lives of the Palestinian people. Hamas would rather fire rockets from playgrounds and homes than work towards peace.

The American public stands with Israel on a foundation of shared democratic values and a commitment to a free society, especially in the face of rising anti-Semitism across the globe.

Israel cannot draw down while Hamas continues to dig tunnels, giving them unfettered access to towns.

Every Nation has the right and responsibility to defend itself, and Israel is no different.

Mr. STEWART. Thank you, Dr. WENSTRUP.

Next, I would like to yield to Mr. STEVE KING, a colleague and gentleman from Iowa. Mr. KING sits on the Agriculture, Small Business, and Judiciary Committees, and he has always been a strong defender of Israel.

Mr. KING of Iowa. I thank the gentleman for yielding and for leading on this Special Order to have this discussion about the sovereignty and the safety and the protection of Israel, our strongest ally in the Middle East, the place where there is a rule of law, where there are property rights, where they are available to everyone that is an Israel citizen, whether they happen to be of Arabic descent, whether they happen to be of Jewish descent, or any other descent.

The allies that Israel have been deserve on our side that similar kind of support, in fact, a stronger support.

There have been so many messages that have been sent from this administration to the contrary, we need to be standing on the floor of the House of Representatives sending a message to Israel, Benjamin Netanyahu, and the leaders that are there, the members of the Israel Defense Forces: We stand with you, Israel. Any Nation that is surrounded by enemies, that is infiltrated by tunnels that are dug through to be able to infiltrate and kill innocent people on the streets of Israel, kidnap them, celebrate that, any government that is formed for the purposes of eradicating Israel from the face of the Earth—and, Mr. Speaker, I would point out that this new government that was formed among the Palestinian Authority, the Palestinian unity government, includes Hamas terrorist leaders in the cabinet.

Finally, the political arm of Hamas, which always was the Palestinian Authority, has openly now embraced Hamas itself. This Congress and the administration itself and the American people need to understand that there is a Palestinian Anti-Terrorism Act of 2006 which prohibits the U.S. from sending foreign aid to the Palestinian Authority government. That includes Hamas terrorists. It says that we are not going to fund any terrorist organizations, and Hamas has been declared a terrorist organization.

We are watching now as the operations that were so utterly necessary, the Israel Defense Forces going into Gaza, losing Israeli soldiers, and, yes, they have to defend them since thousands of rockets have been fired into Israel. Living under that threat of a people that outside your borders would raise their children to carry suicide vests, to kill themselves to try to kill Israelis, to teach the things that they teach to the young people in that culture and in that climate, that hatred is on one side of that border of Gaza, it is not on both sides. It is on the Gaza side, it is in the West Bank, and it is all around Israel, it is not from within Israel out.

I am amazed at how forgiving they are, how patient they are, how tolerant they are, how they have suffered the way they have, and they waited until it absolutely had to be before the order was given to go in and eradicate the tunnels and to try to take out some of the rocket locations. These rockets are in schools around children. They are using human shields of the children. They are hoping—I guess I can't quite say hoping—but willing to accept the casualties of children, because that is a media message to the world.

This is an appalling set of neighbors that Israel has. They want to live in peace. They have a right to live in peace. We stand with Israel. Israel stands to defend itself. We need to make sure that they have the resources to do so and the moral support from the United States.

I would point out also the statement that was made by Ari Shavit in the

newspaper in Israel. He said of Secretary Kerry's latest attempt for a cease-fire over the weekend that "very senior officials in Jerusalem described the proposal that Kerry put on the table as a strategic terrorist attack."

□ 1815

That is not a very strong message, I would say, Mr. Speaker. It is not a very strong message representing the policy of the United States coming from our Secretary of State. Our policy is we stand with the Israeli people. We stand for their self-defense.

I thank the gentleman for setting up this Special Order tonight.

Mr. STEWART. Thank you, Mr. KING.

Mr. KING mentioned the tunnels. I would like to illustrate this, if I could, and just interject very quickly. This is a photograph of the tunnels. These aren't dark 2-foot holes dug into the ground.

These are sophisticated, expensive, complicated contraptions that have been put together—30 tunnels, not including the more than two dozen that were discovered prior to Operation Protective Edge. They run for miles.

They are dug more than 60 feet beneath the ground, so that they avoid seismic detection. Some of them are large enough that you can drive a vehicle through them.

You think: What is their purpose? Is it to smuggle men, weapons, or material? It is to in some cases, unfortunately, smuggle and hide those who have been captured and are being kidnapped. Hamas operatives have been intercepted emerging from the tunnels with tranquilizers and handcuffs—obviously, to kidnap Israeli soldiers.

Once again, how much better would the situation have been for the citizens of Gaza if these resources and this money had been diverted? Instead of building tunnels, build infrastructure and schools and hospitals and other things that the citizens there could use.

Thank you, Mr. KING, for your comments.

I would like now to yield to my good friend, Mr. DAINES from Montana. He is a successful businessman who sits on the Homeland Security, Natural Resources, and Transportation and Infrastructure Subcommittees.

Mr. DAINES. I want to thank the gentleman from Utah for putting together this Special Order. I also want to thank you, Congressman STEWART, for your service to our country. As a B-1 bomber pilot, you in fact hold the record for the fastest nonstop flight around the world. Thank you for your service to our country, Chris.

As our closest ally, Israel's security is critical not only for the future of Israeli people, but also for the security of the United States. Both of our nations were founded by those seeking political and religious freedom.

Israel is the beacon of democracy in the Middle East. Our continued support

for Israel is crucial to bringing peace, stability, and security to this most important region of the world.

Daily rocket fire from Gaza is one of the many threats facing the Israeli people. I was in Israel last year. As I stood at the border with Syria, I could hear mortar and rocket fire in the distance.

Since its founding in 1948, Israel has faced a number of existential threats from all sides, including invasion by its neighbors and terrorism from radical groups operating within Israel, Gaza, and the West Bank.

This past March, representatives from Montana's Crow Tribe presented a formal resolution to Israeli Ambassador Ron Dermer in my office here in Washington. The resolution from the Crow Legislature to the Israeli people affirmed their support of Israel's right to exist and recognized their shared challenges of maintaining political and territorial independence and a deep connection to their ancestral homelands.

During this meeting in my office with Crow Tribal leaders and Israeli Ambassador Dermer, his cell phone went off. It wasn't a call. It wasn't a text message. It wasn't an email.

It was an app he had on his phone that many Israelis have to warn them of impending rocket attacks. It was a sober realization that each time his phone made that noise, fearful Israeli families had seconds to scramble for their lives.

As the Israeli people remain steadfast in confronting these threats, they deserve our unyielding support now and in the future. America's commitment to Israel must never waver. We must stand with Israel.

Mr. STEWART. Mr. DAINES, I agree that we must stand with Israel. All of us here tonight agree that we must stand with Israel.

I now yield to my colleague and good friend, Mrs. HARTZLER from Missouri.

Mrs. HARTZLER. I thank the gentleman from Utah. I appreciate you leading this critical Special Order tonight.

It has been a dangerous few weeks in Israel. We have been watching the developments between Israel and Hamas in Gaza, as Israel shows restraint while still protecting its citizens.

Quite simply, Israel is under siege by a radical faction that displays blatant disregard for its citizens. Hamas is using its citizens as human shields, building bombs in the basements of schools and homes, and prohibiting families from evacuating areas where rockets are being launched.

Israel has shown tremendous restraint and has every right to defend itself against these unwarranted attacks. Over 2,000 rockets have been launched into Israel, reaching even Tel Aviv and Jerusalem. Over 80 percent of the country's citizens have had to huddle in bomb shelters for parts of 3 weeks now.

Over 6 million men, women, and children are endangered, yet Israel has

agreed to cease-fire after cease-fire. Unfortunately, Hamas has not abided by these calls, firing dozen of rockets into Israel, even when Israel was ceasing its efforts to protect its citizens, so that humanitarian assistance could arrive to the people in the Gaza Strip.

Israel has gone above and beyond for years now to help the people of Gaza and give them an opportunity for a better life. Nine years ago, Israel moved totally out of Gaza, giving the land and farms and greenhouses to people of Gaza. 10,000 Israeli lives were disrupted as they moved to Israel.

Generous people all over the world raised money to buy the tractors and farm equipment for the people of Gaza. The area could have become the jewel of the Mediterranean and a peaceful neighbor to Israel—a model of a two-state solution. Instead, they tore down the greenhouses. Instead of building roads and homes, they built tunnels with the intent to attack and kill Israelis. They voted Hamas in power and turned the area into a terrorist military outpost.

So here we are today, while Hamas is bent on killing innocent Israelis, Israel is intent on preserving their lives. As they seek to stop the rocket fire in the Gaza Strip, Israel goes to great lengths to save innocent lives. It drops leaflets into the neighborhoods, warning of an impending military attack to take out the rocket launchers, which are often strategically placed by Hamas in the neighborhoods.

It then calls the residents of the house to warn them, then sends text messages to the home, then “knocks” on the house by dropping a small non-penetrating bomb on the roof to let people know they are serious. Unfortunately, Hamas has responded by stopping people from fleeing and even forcing them onto the rooftops as human shields.

Thankfully, the Iron Dome missile defense system has stopped rockets from reaching their targets in Israel. As Prime Minister Benjamin Netanyahu said:

Israel uses its missile defense system to save human lives. Hamas uses its people to save its missiles.

We need to be standing strong for the only democracy and our greatest ally in the Middle East. We need to let other nations know we will never abandon Israel, and they need to join us in speaking out against the affront to national sovereignty and to human decency. We need to be offering assistance to stop these attacks and help Israel stay safe.

It is time for Hamas to agree to a total cease-fire. Any loss of life is tragic, and Hamas needs to end their blatant disregard for their citizens and agree to end the attacks.

Please join me in praying for the peace of Jerusalem.

Mr. STEWART. Thank you. We have so many people who want to join in this conversation tonight. We are grateful for many of those who participated.

It is my honor to yield to Mr. ENGEL, who represents New York, the ranking member of the Foreign Affairs Committee.

Sir, we are glad to have you with us.

Mr. ENGEL. I thank the gentleman for yielding to me, and I want to thank all my colleagues for their excellent remarks. I agree with every word that has been said.

I think perhaps I will start off with a bit of good news because everyone can see this tonight. At a time when the pundits say that the two parties can't agree on anything, that nothing gets done, and that there is too much fighting, there is one thing on which we can agree, and that is that the support for Israel in this Congress is strong and it is bipartisan, and that is the way it should be.

It is bipartisan for a number of reasons. First of all, Israel is the only democracy in the Middle East. We share common values with Israel, and we understand that the people of Israel, right now, are besieged.

Hamas is a terrorist group. It is not a fight between Israelis and Palestinians. It is a fight between Israel and a terrorist group. As someone who was in New York on that fateful day of September 11, 2001, Israel has endured many September 11, 2001s.

My colleague said it right before. The difference between the Hamas terrorists and Israelis is that Israel uses its missiles to protect its citizens and Hamas uses its citizens to protect its missiles.

It is terrible when any civilians die, and my heart breaks for casualties on both sides, but Hamas uses their citizens as human shields. They build their bomb factories, and they build their missile factories in mosques and schoolyards. Missiles were even found in United Nation schools. They do this deliberately because they apparently don't value human life at all.

Let's just imagine if we, in the United States, had a terrorist group over the border in Canada firing rockets, hurting people in New York or Michigan. Wouldn't we respond?

If there were terrorists in Mexico that were firing into Arizona, Texas, or California, would we just simply let our people be targets? Wouldn't we respond? Wouldn't we go over the border and try to root out the terrorists, root out their missiles, root out their tunnels if there were? That is precisely what Israel is trying to do.

I am introducing the emergency Iron Dome replacement act. The Iron Dome, which has been Israeli-created and American-funded, has saved countless numbers of Israeli lives, and by the way, Hamas has the nerve to talk about civilian casualties when it has targeted, day after day, week after week, month after month, year after year, Israeli civilians. That is what they do.

Israel targets the missiles—and there are some civilian casualties because of the way the Palestinians put their mis-

siles right in the densely-populated areas—but Hamas has deliberately been trying to kill innocent Israeli civilians.

So we hope we will continue funding the Iron Dome, and I know there will be strong bipartisan support on both sides.

Any cease-fire should contain the total disarming of Hamas. Any cease-fire should contain the destruction of the tunnels which, as my colleague very adeptly pointed out, were made for terrible purposes.

With the concrete that was coming into Gaza, they could have built schools and mosques and skyscrapers; but what did they do? They built terror tunnels, so they can try to kill Israelis.

And the media? Shame on some of the coverage we have seen in the media. There is no moral equivalency between a terrorist group and a nation that values its citizens and wants to protect its citizens. There is no moral equivalency whatsoever.

Israel is trying to protect its citizens. Hamas only wants to kill. Read their charter. Read what they say about Jews. Read about Israel. They want to destroy every last person in Israel. So I think the media ought to be a little more evenhanded and not the way it has been portraying things up until now.

So let me conclude by saying this: the bond between Israel and the United States is unbreakable, unshakeable. It has always been and will always be. The United States will always stand by the people of Israel, particularly in their fight to exist and in their fight against terrorism.

I thank my friend.

Mr. STEWART. Thank you, Mr. ENGEL. Thank you for your service on the Foreign Affairs Committee.

You bring up such a great point. This is a bipartisan issue. There is agreement on both sides of the aisle. We have got servicemembers, military members, school teachers, and businessmen. We have got people from all backgrounds who want to speak on this tonight. Frankly, we have got more people who want to join in this Special Order than we have time for.

I would like to now yield to Mr. COLLINS from Georgia. He has a unique perspective as a member of the House Foreign Affairs Committee as well. He served as a chaplain in the Air Force since 2002 and a combat tour in Iraq in 2008.

Mr. COLLINS, thank you for your service.

□ 1830

Mr. COLLINS of Georgia. Thank you as well for yours, and thanks for doing this tonight.

Mr. Speaker, this is an easy one for me. I stand with the State of Israel as well as her right to defend herself. It is amazing to me at times that that is even called into question, because Israel has proven time and time again that it is very capable of defending herself, and it is amazing to me that the

world doesn't want to acknowledge that.

This commitment that I have to Israel is here now and will continue to be unwavering even in the midst of this conflict between Israel and Hamas that is taking place mainly in Gaza. I am in firm support of Israel's decision to launch a ground operation, and I hope this conflict will be resolved quickly and negotiations for a permanent cease-fire will occur soon for this area.

Currently, Israel's strategic objective is to eradicate Hamas' ability to terrorize Israel. Prime Minister Netanyahu gave the go-ahead to send ground troops into Gaza after a 10-day air operation failed to diminish Hamas' rocket barrage.

Think if the U.S. were being targeted. Do you think we would wait a day to execute a ground incursion, let alone 10 days? Absolutely not.

In fact, Israel and Egypt tried to negotiate a cease-fire with Hamas, but Hamas was unwilling to accept it. We see the true stripes of Hamas when they will not come to the table and when they, instead, want to basically put their own citizens up as human shields.

I have received a lot of feedback from folks in the Ninth District who feel very strongly about the United States' support for Israel from the beginning, when the three young Israeli teens were kidnapped. Georgians empathized with the pain of the nation and with the hope that the three teenagers would be returned to Israel, unharmed. Unfortunately, their bodies were discovered in a Palestinian-controlled area. They had been brutally murdered at the hands of Hamas.

I think my constituents would agree when I say a peaceful solution to end this conflict between Israel and the residents of the Gaza Strip is preferred. Hamas, on more than one occasion, however, has rejected the cease-fires that Israel was more than willing to agree to. We as Americans understand fighting terrorism is a constant fight, and this is yet another reason we must continue to work towards combating terrorism, not just on American soil, but by supporting our allies in their fights against terrorism.

Our support is shown in many ways, but the biggest is in the Iron Dome defense system. Hundreds of Hamas' rockets have been intercepted by the Iron Dome, and it has protected those in Israel who are being terrorized by Hamas. Hamas is hiding behind Palestinians—their own people—to protect their rockets while Israel is protecting their people with the Iron Dome. These are the things that must be reported, and these are the things that must be looked after. A peaceful solution needs to be found soon.

The administration needs to get its priorities correct. Israelis understand this, and that is why they need to continue to protect themselves. The resources going to Gaza should be used to build schools and hospitals and infra-

structure instead of the things that the Palestinians are not getting. This is why the United States must continue to support Israel. We must continue to support their fight against terrorism, and we must continue to maximize our efforts towards a peace that will last in Israel in this area.

Mr. STEWART. I thank you for your comments and for your support, Mr. COLLINS.

I now am happy to introduce the newest Member of Congress, Mr. CLAWSON from Florida.

Mr. CLAWSON of Florida. Thank you very much for this time.

Mr. Speaker, we are living in a time of significant crisis at home and worldwide.

We have a humanitarian and a national security crisis on our own border, and all Americans are deeply concerned and are looking for solutions. Simultaneously, we see a border crisis in the Middle East that makes our own border crisis pale by comparison. We see our friend and ally Israel attacked physically but also, sadly enough, attacked in the media. It is our solemn duty, I believe, to address this crisis as well as our own crisis on our own border.

Israel's borders have been attacked by over 2,000 rockets, launched by Hamas, with a total disregard for innocent lives. Within Gaza, Hamas sets up their rocket launchers in the midst of apartment buildings, mosques, and U.N.-sponsored schools—using civilians as human shields. Hamas is not seeking to minimize collateral damage but, rather, to maximize it. Meanwhile, elements of the media fuel anti-Israeli propaganda with scenes of innocent dead and wounded Palestinians, adding to Israel's dilemma—falsely asserting that the Israel Defense Forces are committing war crimes.

The fact is that Israel is responding with careful precision, taking extraordinary steps that few nations would take to protect lives on both sides of this fight. Israel's Iron Dome is shooting down rockets that would otherwise kill Israelis. Israel is warning civilians in Gaza in advance of attacking terrorist infrastructure there. Israel takes extraordinary steps to minimize collateral damage. Israel wants peace. Hamas seeks the destruction of Israel. This cannot happen.

The United States must stand firmly with Israel and against Hamas and take a leadership role in convincing the world to do likewise.

We must remember the threats extend beyond Gaza and Hamas. Hezbollah, the Islamist militant group and Iranian surrogate based in Lebanon, possesses thousands of rockets on another part of Israel's border. ISIS—evolved from al Qaeda in Iraq—has declared an Islamic caliphate in major areas of Syria and Iraq, threatening the entire region, but especially Israel. Iran, the world's exporter of terrorism—committed to the destruction of Israel—continues to hold nuclear

ambitions, raising security issues not only for Israel but for the entire world.

We cannot waver in leading the international community towards a long-term, verifiable solution. The Middle East is arguably a more dangerous place than at any time in history, with Israel threatened on several fronts by well-armed and well-funded terrorists who are distressingly close to possessing weapons of mass destruction. This cannot happen.

This is not a time for partisan bickering between Democrats and Republicans or between the Congress and the administration. It is a time for a national discourse to educate the public about the dangers out there, with the goal of national unity and resolve to stand behind Israel—the only democratic state in the world's most dangerous neighborhood.

Speaking as a freshman Congressman—the newest Congressman—I pledge to work with my colleagues to seek better ways of working together in support of the State of Israel and its right to exist.

In these times of peril, I believe it is our duty to work as a team and to stand with Israel. Together, we can seek a path to lasting solutions in the Middle East. The alternative cannot happen. America must come together to support Israel.

Mr. STEWART. Thank you, Mr. CLAWSON. We look forward to serving with you in the future, and we, once again, welcome you.

It is now my honor to introduce my good friend and someone I have come to respect and admire, Mrs. WALORSKI from Indiana. She is the daughter of an Air Force veteran and serves on the House Armed Services and Veterans' Affairs Committees.

Mrs. WALORSKI. I thank the gentleman from Utah for yielding.

Mr. Speaker, as with past conflicts in the Middle East, much of the media focus in this current conflict between Israel and Hamas has been on the death tolls on both sides, but what this reporting neglects to mention is Hamas' destruction of its own people. Legitimate governments understand that one of the most important duties of any nation is the protection of its people and the protection of innocent civilians.

Israel goes to great lengths to avoid targeting civilians, from its use of precision-guided weapons to sending out phone and text warnings to evacuate buildings before it carries out a strike. Yet Hamas' leaders are willing to sacrifice their own people in an attempt to score political points. Hamas continues to force civilians, including women and children, to stand in harm's way and literally act as human shields for the terrorist leaders and properties, causing Israeli strikes on legitimate military targets to result in the loss of innocent lives.

As General Conway, the 34th Commandant of the United States Marine Corps, recently wrote in *The Wall Street Journal*, there is a clear and obvious "moral chasm," he says, between

Hamas and Israel. Hamas has always targeted civilians, and they continue to target civilians. It is their standard operating procedure, and it is one of the reasons it makes them a terrorist organization.

Sadly, though, what we are seeing in this conflict is nothing new. This is the third time in less than 6 years that fighting has broken out between Israel and Hamas.

In order to secure peace and stability in the Middle East, America, our allies, and anyone else truly concerned about the safety of civilians on both sides of the border should focus on keeping weapons out of the hands of Hamas' leaders. We must condemn anyone—perhaps, most importantly, Iran—who is supporting and arming Hamas. Iran supplies Hamas with rockets and training. Just yesterday, Iran's supreme leader declared on Iranian national TV:

Everyone, whoever has the means—especially in the Islamic world—should do what they can to arm the Palestinian nation . . . The Zionist regime deeply regrets starting this war, but it has no way out.

We must stand strongly with Israel as it exercises its legitimate right to self-defense. We must call on the international community to join us in condemning Hamas for their human rights violations.

Everyone wants the current conflict in Gaza to end, but how it ends is critically important. The conflict can only be truly over when there are no rockets, when there are no tunnels, and when Hamas has been completely disarmed and defeated militarily and politically.

Mr. STEWART. We thank you, Mrs. WALORSKI. Beautifully said.

I now would like to introduce someone I have come to have tremendous respect for. He brings not only a unique perspective but great experience to this question as chairman of the House Appropriations Defense Subcommittee. He is also a U.S. Army Vietnam veteran; although, he appears to be far too young for that.

Mr. Chairman, I yield to you.

Mr. FRELINGHUYSEN. I thank the gentleman for yielding.

Mr. Speaker, I stand with Israel.

There are certain principles that govern the conduct of nations that are so basic—so fundamental—that the world should never have to be reminded of them. The most fundamental of these is simple and straightforward: a nation has the right and the obligation to defend its people and its territory from attack. Unfortunately, however, this fundamental principle does not bear repeating tonight because too many around the world seem to have forgotten it or too many seem to think it only applies to every nation but one—the State of Israel.

Make no mistake. It applies to Israel just as it applies to every nation on the face of the Earth.

Every nation—every one—has the right and the obligation to defend its people and its territory. The thousands

of rockets launched against Israel by the terrorist group Hamas are a deliberate attack on the State of Israel and the Israeli people.

I stand with Israel's right to exist in peace and to protect itself. I stand with Israel in terms of its efforts to defend itself, and I support the very important Iron Dome, Arrow program, and David's Sling program, which keep the Israeli people safe. I stand with Israel in its effort to destroy the ability of Hamas' to attack Israel's people and its territory.

Mr. Speaker, I stand with Israel.

Mr. STEWART. Thank you, Chairman FRELINGHUYSEN, for your comments and for your leadership.

It is now my honor to introduce Mr. LANCE from New Jersey. He served for many years in the New Jersey State Legislature and now serves on the powerful House Energy and Commerce Committee.

Mr. LANCE. Thank you very much.

Mr. Speaker, for those of us in the United States who value Israel, its people and its value—symbolic and real—these are heartbreaking times. Our world's most sacred lands are again brutalized by terror as evil tries to extinguish the Jewish state. Though we may be far in distance, our spirit, support, and resources are needed. The United States stands in solidarity with Israel and its fundamental right to defend itself.

The ongoing crisis in Israel may feel a world away to some, but the significance cannot be understated: a free people and democratic ally of our Nation faces continued war by elements of hate and intolerance similar to those who have claimed the lives of millions, forever scarred the face of the Earth, and brought this battle to our shores 13 years ago.

To know terror, look at their tactics. While Israel uses weapons to shield women and children, Hamas uses women and children to shield weapons.

□ 1845

When Israel offers a cease-fire, Hamas orders more rocket launches. When Israel offers compromise, Hamas calls for more bloodshed. Israel needs and deserves the support of the world community, not a lecture from media commentators. If the United States were under daily rocket assault, assuredly, the press would not question our right to keep Americans safe.

Many of us in Congress have worked together in a bipartisan fashion to support Israel. Look no further than the Iron Dome capability at the center of Israel's current defense apparatus. The Iron Dome has been the guardian of a people under siege, and it was constructed with the help of American ingenuity, American technology, and American funds.

Countless other measures have sought to assist Israel, including legislation recently passed here in the House, to disrupt to the greatest extent possible international financing capabilities of terror networks.

How can Israel negotiate with entities on a mission for its destruction? The answer is moral authority. Israel stands for peace, democracy, the rule of law, human rights, liberty, an eventual two-state solution, and peace through strength.

In this time of great moral crisis, now is not the time for neutrality. Nearly 800 people proudly stood in solidarity with Israel earlier this month at the New Jersey headquarters of the Jewish Federation of Greater MetroWest as we rallied for Israel. Tonight, that same energy is here in Washington, where I join many other lawmakers in further conversation as how best the United States can assist our friend in need.

Israel must never lose its resolve, its mission, its purpose, or forget its proud history, and the United States must support our great ally as it fights to preserve its very existence.

Mr. STEWART. Thank you, Mr. LANCE.

As the manager of this Special Order, I have to be prepared to fill the time if we need to, to fill any gaps in the conversation, and very clearly that has not been necessary tonight. We have so many eloquent Members who are anxious and are stating this case so powerfully.

Mr. Speaker, I yield to the gentleman from Arizona (Mr. FRANKS), who also serves on the Armed Services Committee and Judiciary Committee and is also chairman of the Constitution Subcommittee.

Mr. FRANKS of Arizona. Mr. Speaker, Congresswoman MICHELE BACHMANN and I recently introduced H. Res. 622 to defund the Palestinian Authority. We have now 27 bipartisan cosponsors in the House of Representatives, and just today we received nearly 28,000 signatures supporting this policy.

Mr. Speaker, may we all remember that Yasser Arafat, the founder of the Palestinian Authority, proclaimed early on: "We plan to eliminate the State of Israel and establish a purely Palestinian state. We will make life unbearable for the Jews by psychological warfare and population explosion. We Palestinians will take over everything, including all of Jerusalem."

Mr. Speaker, Mahmoud Abbas, the current head of the Palestinian Authority, has taken this mantra to its insidious end by publicly uniting with the terrorist group Hamas, which is really the Muslim Brotherhood.

Let me make this very clear, Mr. Speaker. The Hamas and Palestinian Authority have now become one and the same. Yet, even as Hamas has continued to launch cowardly attacks from neighborhoods in Gaza, hiding behind innocent women and children and making civilian casualties a deliberate strategy, this President has responded by heralding President Mahmoud Abbas as a man of peace.

Mr. Speaker, in spite of the President's astonishing failure to do so, Congress must continue its steadfast

commitment of supporting Israel to protect against Hamas' thirst for death, and the first step in doing that is to defund the Palestinian Authority.

Mr. STEWART. Thank you, Mr. FRANKS.

Mr. Speaker, I am happy now to yield to the gentleman from Pennsylvania (Mr. PERRY), a good friend of mine, someone, once again, that I have come to respect greatly. For one thing, he is a colonel in the Army National Guard. I was only a major when I separated from the Air Force, so, of course, I salute him every time I see him. He sits on the Homeland Security and also Foreign Affairs Committees.

Mr. PERRY. Mr. Speaker, I would like to start by thanking the great gentleman from Utah who is, indeed, a friend, and I thank him for his service.

We have heard much tonight about Israel and the rockets and everything that is happening in that part of the world, but one thing we haven't talked about much is the United Nations Human Rights Council, which really can't be taken seriously as a human rights organization, and I will tell you why.

Let's talk about some of the members on that: Cuba, Russia, Congo, Ivory Coast, Venezuela, and China.

When you think about Cuba and Venezuela, they outlaw political demonstrations in their country, but yet they are on the Human Rights Council judging Israel. When you think about Ivory Coast or Congo, they allow genital mutilation in their country, yet they are judging Israel.

Now, this commission established a commission to probe alleged war crimes in violation of international law by Israel for defending its citizens against rocket attacks and terror tunnels. I mean, really? A competition to probe the war crimes from Israel.

Now, what they should be doing, instead, is focusing on Hamas, which uses its citizens as human shields while its commanders flee to bunkers. If Hamas uses human shields to protect its rockets, I mean, is that Israel's fault for defending itself? But somehow, as Americans, we are told that that is what we should believe.

Everybody—everybody—in this Chamber, every American is saddened by the tragic loss of innocent life on both sides of the conflict. However, let's be clear. It is Hamas, a designated terrorist organization, that has refused to deescalate this conflict.

Recently, I heard a reporter and some other folks saying: Well, in Gaza, where should the Palestinians go? It is small. There is nowhere to go to avoid the rockets from Israel. Where should they go?

They should stay right there and quit firing on Israel, quit digging tunnels into Israel. That is what they should do, and then this problem would relieve itself. I mean, who dug these tunnels? Who has fired over 2,000 rockets into Israel? They don't have to go anywhere. They just need to quit attacking Israel.

No U.S. funds should go towards the Palestinian Authority or its institution so long as Hamas is part of a unity Palestinian Government.

Secretary Kerry's recent actions have actually hampered a cease-fire. This administration continues to befriend our enemies and make enemies of our friends, and it must stop, Mr. Speaker. It is critical for the U.S. to reiterate our support for our ally, our only ally there, which is Israel, including its right of its people to live in peace and to defend itself.

Mr. STEWART. Thank you, Mr. PERRY.

Once again, I have the honor of yielding to the gentleman from Michigan (Mr. BENTIVOLIO), a Member with a unique background, who, while stationed in Iraq with the Michigan Army National Guard, he, himself, experienced rocket attacks. This happened on a regular basis, so I think he speaks with some authority on the subject tonight.

Mr. BENTIVOLIO. I thank the gentleman from Utah (Mr. STEWART). He is a true friend of Israel and a friend of mine as well.

Mr. Speaker, I rise in strong support of Israel and its right to self-defense as it faces the ongoing threat of terrorist rockets from Gaza.

Picture the scene. You are walking down the streets of Tel Aviv. You look around you. You see men, women, and children of all ages. To your right is an elderly man with a walker. A few paces ahead is a mother with her stroller. It is peaceful. It is calm. It is the embodiment of urban normality. And suddenly you hear it. Everyone instinctively knows what it is and, in a split second, everything changes. It is the red alert siren. A rocket is racing toward the city at breakneck speed. Only seconds remain to find refuge in a bomb shelter. And the rocket could land anywhere: on a preschool, on a hospital, on a random family home, or perhaps on the mother and her stroller up ahead.

Mr. Speaker, this is the threat that Israel faces from Hamas and other terrorist groups in Gaza, which deliberately target Israeli civilians, which indiscriminately kill, maim, and terrorize, and whose sole purpose is to destroy the State of Israel.

When faced with such a complete absence of basic moral inhibition by a brutal enemy, it is Israel's right—nay, its duty—to forcefully respond in order to eliminate the threat. It is not disproportionate. It is self-defense, pure and simple, and it is precisely why the State of Israel deserves our unwavering support at this time.

It is also why no government that claims to be interested in peace can credibly partner with a group like Hamas. It is past time for the Palestinian Authority's president to dissolve his unity governing arrangement with this appalling terrorist group.

We can't have it both ways. We can choose to make peace with Hamas or with Israel.

As for me, I have made my choice. I am proud to support the Jewish State, and I stand with Israel because Israel embodies all the values I embrace—peace, democracy, tolerance—while the values of Hamas—hate, extremism, violence—violate everything I believe.

Mr. STEWART. I thank the gentleman from Michigan. He has stated it, once again, like many others, very powerfully.

Mr. Speaker, in conclusion tonight, I yield to the gentleman from New Jersey (Mr. SMITH), who, once again, as a senior member of the Committee on Foreign Affairs, has great experience and is unquestionably like many of us, a strong supporter of Israel.

Mr. SMITH of New Jersey. I thank my good friend from Utah. I thank him for his service to our country and for, again, bringing us all together this evening.

Mr. Speaker, I rise today to call on the President of the United States to give Israel the robust and vigorous support it deserves.

Since the latest round of unprovoked rocket barrages were launched on July 6 by Hamas, Israeli citizens have lived under a relentless rocket attack, mortar fire, even attack from Hamas drone aircraft and a foiled sea raid.

Israel itself has lived under a media attack, a calculated campaign to isolate Israel for defending itself. Major articles in international newspapers around the world take a grossly anti-Israeli slant.

Make no mistake about it, Mr. Speaker. A major purpose of Hamas' rocket attacks is to provoke counterattacks, thereby to use the inevitable civilian deaths to set up an international media campaign against Israel. Hamas is guilty of sacrificing Palestinian lives and is guilty of using women and children as human shields in a brutally cynical attempt to manipulate world public opinion and isolate Israel.

Mr. Speaker, the facts on the ground of Hamas attacks were clear from the start and follow long-established patterns. It is time our government sent a much more powerful and unambiguous message that the U.S. fully supports Israel's right to defend itself.

The administration should emphasize that Israel's actions in its own defense are legal, that they are right, and that the U.S. stands with Israel without any ifs, ands, or buts, or so longs or any other qualifiers.

As of yesterday, since the start of Israel's Operation Protective Edge, 2,500 rockets have been fired at Israel from Gaza. 1,875 of these have landed in Israel; 495 have been shot down by Iron Dome. Also, as of yesterday, the IDF has uncovered in Gaza 32 tunnels, with more than 60 access shafts, some of which were in mosques and houses.

Anyone who has read today's feature in *The New York Times*, "Tunnels Lead Right to the Heart of Israeli Fear," understand what these tunnels mean. The tunnels are about 50 feet underground, mostly undetectable like

this one to my left, and underground equipment cannot even discover their whereabouts.

The story quotes Eyal Brandeis, who lives in Kibbutz Sufa, and he says:

It is a very pastoral environment. I live in the quiet of the green grass, the trees. It is not pleasant, though, that you sit one day on the patio drinking coffee with your wife and a bunch of terrorists will rise from the ground.

That is exactly what happened a mile from his kibbutz at dawn on July 17.

Many Israelis are more concerned about the tunnels than the rockets. Perhaps that gives us some insight into the dimension of the Hamas terrorist.

I note, Mr. Speaker, that despite these rocket attacks by Hamas and tunnels, Israel continues to permit the transfer to the Gaza of humanitarian supplies and goods. Israel's humanity while under terrorist fire, its continued effort to do everything it can to separate terrorist militants from Palestinian civilians, only underscores the evil nature of Hamas.

□ 1900

Mr. Speaker, Hamas was designated a foreign terrorist organization in 1997, and it has adopted its charter, the famous Covenant of the Islamic Resistance. That charter remains its ideological program.

Only yesterday, Khaled Meshaal, the leader of Hamas, spoke on the Charlie Rose show in response to a question, "Do you want to coexist with the State of Israel?" He said, "No." He said, "No." Hamas doesn't want peace or reconciliation or coexistence. It wants to utterly destroy the State of Israel.

I have further comments I will be saying later on this evening about the charter. Please read the charter. It couldn't be clearer. Hamas wants to destroy Israel.

Mr. STEWART. Mr. Speaker, that was powerfully said.

In conclusion, as we wind down our time tonight, let me just finalize with these thoughts.

There is a great line from a speech that would have been given by John F. Kennedy in November 1963 if he had been allowed to give that speech before he was assassinated. And he said: "This people, this generation, not by choice, but by destiny, are set to be the watchmen on the wall of world freedom."

We may not like the fact that we have to lead in the world. We may not like the responsibility. We may not like the cost. We may not like the hassle or the criticism or sometimes the hatred that is directed toward us. But it doesn't matter. We have to lead. If we don't do it, who will? If we don't lead, we give power to our enemies, and we weaken our friends.

We have a chance here tonight to make a statement to the world. To the people of Israel, we stand by your side. To the peace-loving people of Gaza, we stand with you as well. But to the terrorists who seek for the destruction of Israel and to the leaders of Hamas who

seek only for death and destruction, we, the American people, will always stand in your way.

And with that, Mr. Speaker, I yield back the balance of my time.

ANTI-SEMITISM

The SPEAKER pro tempore (Mr. MCALLISTER). Under the Speaker's announced policy of January 3, 2013, the gentlewoman from New York (Ms. MENG) is recognized for 60 minutes as the designee of the minority leader.

GENERAL LEAVE

Ms. MENG. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the subject of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. MENG. Mr. Speaker, we gather this evening to discuss anti-Semitism. It is a plague that has ravaged the world for thousands of years, yet in the last few weeks, it has reared its ugly head globally in a way we have not seen in a long time.

It is truly shocking. From Berlin to New York, we are hearing chants of "Gas the Jews." And this is not hyperbole. We are actually hearing chants of "Gas the Jews" around the world.

And these are not isolated incidents. We are seeing hundreds and thousands of people rallying and sometimes attacking synagogues in Europe. It is one thing to protest against events going on in the Middle East, but there is simply no justification and no reason for doing it right outside any Jewish place of worship. These are brazen acts of anti-Semitism.

Now, I cannot possibly understand anti-Semitism to the same extent as my Jewish friends. But I think it is crucial that non-Jews speak out forcefully against this disease because to effectively combat anti-Semitism, we need non-Jews to step up and also lead on this issue.

I would like to focus my remarks today on two related issues, the international and domestic dimensions of anti-Semitism.

With regard to anti-Semitism beyond our borders, I would like to focus on one case, that of France. I am focusing on France because I think it is really the front line right now in the war against global anti-Semitism, and I think it is an instructive case for how policy leaders here can face this issue.

In France right now, there is a war. On the one hand, we see some of the most widespread and atrocious acts of anti-Semitism, but on the other hand, we see a government—most particularly, Prime Minister Valls—acting forcefully against anti-Semitism. The words and actions of the French Government, most particularly Mr. Valls' recent assertions that anti-Zionism is anti-Semitism, are unprecedented and should be acknowledged as such.

So what we have here are two sides: virulent anti-Semites on one side, and on the other, a democratically elected government that appears resolved to take them on. Rather than throw our hands in the air and say that France is a horribly anti-Semitic place and that all the Jews should leave, we ought to get in this fight.

Anti-Semitism is a complicated issue, not a black-and-white issue. Yes, France has a deep history of anti-Semitism, but it is also a country that has had a Jewish President and one that nearly elected another a couple of years ago. It has the third-largest Jewish population in the world, and there is a reason for that. It is also a country that historically has proven itself capable of changing. We need to recognize this history and work with France's leadership and civil society to fight this battle and remain hopeful. What happens here will, I believe, affect the future of the Jewish people.

This brings me to the domestic dimension of our problem. We obviously have anti-Semitism in this country as well, although not to the degree we see it in Europe. It is essential that Jews and non-Jews speak about this problem to their own communities, and we have to continue to encourage that here in Congress.

In New York, Mr. JEFFRIES and I are leading a program whereby Jewish, Asian, and African American college students are gathering to discuss foreign policies and the perspectives of the respective communities in relation to key foreign policy issues.

We must speak regularly about Israel, BDS, and other issues of importance to our Jewish friends and neighbors, not just when there is a major international incident. The reason I say this is because it is also far easier to hate someone you don't know than to hate someone that you do know.

Mr. Speaker, as we head into the August recess, I urge my colleagues of all stripes to discuss the dangers of anti-Semitism with their communities and to build bridges between communities so that we may reduce hatred and bigotry.

I also urge my colleagues as statesmen and -women to engage the international community in a positive way on this issue and believe in and fight for a Europe and world of lesser anti-Semitism.

With that, I would like to yield to the gentlewoman from Florida, Ms. DEBBIE WASSERMAN SCHULTZ, the first Jewish woman from Florida elected to Congress, a tireless advocate and one of the great Jewish leaders of our time.

Ms. WASSERMAN SCHULTZ. I thank the gentlewoman from New York, particularly for her leadership in stepping up and bringing to the floor of the United States House of Representatives the incredibly important topic of anti-Semitism, not just nationally but globally, because much of the conflict that exists worldwide today, unfortunately, stems from poisonous anti-Semitism.

The gentlewoman from New York represents the district that my parents grew up in and neighborhoods and communities with a proud Jewish immigrant tradition. And she also represents the Asian American community that has come and joined that crowd and vibrant ethnic community of immigrants who have contributed so much to the United States' rich tapestry of diversity. And it is diversity that we celebrate. But, unfortunately, it is not a difference that everyone celebrates, as we have seen with the precipitous and poisonous rise in anti-Semitism.

So from the bottom of my heart, as a Jew, and as the representative of a significant Jewish population, myself, thank you so much for your leadership and bringing this important issue to the floor of the House of Representatives, because it is only through shining a light on anti-Semitism that we are going to be able to help educate people and fight back.

And I rise today, Mr. Speaker, to condemn the alarming increase of anti-Semitism that we have witnessed over the last few weeks. The Anti-Defamation League released a terrifying report just last month about anti-Semitism growing throughout the world.

Tragically, my own constituents have personally experienced terrifying and heinous crimes against them just this past week. On Monday morning, congregants and neighbors were horrified to find that swastikas had been spray painted on the walls of Torah V'Emunah synagogue in Miami-Dade County. In Miami Beach over the weekend, a Jewish couple found their car had been egged and the words "Hamas" and "Jew" had been smeared on their cars.

These deplorable acts are atrocious and despicable. For all of us who care about the rights of minority populations in this country, who celebrate the rich diversity that makes up our great Nation, we cannot and we must not be silent.

It is amazing to many of us that these actions are occurring in 2014, not in 1930s Nazi Germany. But, unfortunately, we are also witnessing what Anti-Defamation League director and holocaust survivor Abe Foxman recently called the worst anti-Semitism since World War II.

As the gentlewoman from New York detailed, in France, in an episode that is chillingly reminiscent of Kristallnacht, we witnessed angry rioters throw firebombs at synagogues and ransack and destroy Jewish-owned businesses. In Belgium, a cafe actually publicly displayed a sign saying dogs were allowed in the cafe, but Jews were not.

Thankfully, we have seen the leaders of European countries, including Germany, France, and Italy, condemn this kind of behavior. There are countless voices across Europe speaking up in the face of this barbarism.

But this anti-Semitism is real. This hatred is real, and the violence is real.

Many not close to this issue may ask why. To us, it is very clear. This recent surge of anti-Semitism is born out of knee-jerk vitriolic reaction to the conflict raging in Israel and Gaza. But this conflation of anti-Semitism with the recent actions of Israel in defense of her people is completely misplaced. Israel's actions are a direct response against rocket attacks from a terrorist organization whose stated mission is Israel's destruction and that thrives on a continuing narrative of anti-Semitism and hatred.

Unfortunately, we only see a few lone voices around the world protesting against a Hamas government that knowingly and willingly puts its citizens, its children, in harm's way, placing them in jeopardy and sacrificing their lives to engender sympathy for their evil cause.

We hear little from much of the world against a terrorist organization that chose to invest in rockets and building tunnels for plotting murderous attacks against innocent civilians instead of investing in homes and schools and hospitals for its citizens.

Instead of condemning these cowardly practices by Hamas, we have, however, seen people rage equally against Israel, Israelis, and Jews anywhere. The words and phrases that these protesters are using cannot be spoken on this House floor. They have been dug up from the worst episodes of human history.

That is why I am proud to stand with my colleagues tonight, to stand with President Obama and Secretary Kerry, and send a clear message that these actions will not be tolerated. We must stand by the commitments we made as a community and as a world to never again stand silent in the face of this kind of horror, this kind of bigotry, this kind of injustice.

We will not stand idly by as vitriolic speech turns into violence against innocent people. Never again.

Ms. MENG. With that, I would like to yield to my friend from Florida (Mr. DEUTCH), the ranking member of the Subcommittee on the Middle East and North Africa, a mentor on many of those issues, a good friend, fellow Wolverine, tireless fighter, and defender of Israel.

Mr. DEUTCH. I thank my friend from New York (Ms. MENG). I appreciate very much your dedicating this hour to this important topic. I appreciate your leadership. I am proud to be here with you. I am proud to be here with my friend and my neighbor from Florida (Ms. WASSERMAN SCHULTZ), a powerful and eloquent spokeswoman on these issues that means so much not just to the Jewish community but to all of America.

And I am glad to be here with you to condemn the increase of anti-Semitism around the world.

Anti-Semitism isn't a new issue faced by Jews. For centuries, Jews have been targeted, persecuted, sometimes by their governments, sometimes by their

neighbors, used as scapegoats for economic downturns and disasters, and commonly accused of being disloyal to their home country.

But this hatred, unfortunately, is far from gone. It continues in a range of manifestations, from Holocaust denial to suspicion of Jewish influence over international affairs and, tragically, even in the shooting of innocent Jews.

In recent days, we have seen a new face on this age-old bigotry. We are seeing demonstrations around the world that claim to be protesting Israel's actions against Hamas but too easily and far too often, political opposition to Israel's policies and actual hatred toward Jews are conflated and are indistinguishable.

□ 1915

It is clear, unfortunately, that many people are using the current conflict, a facade of anti-Zionism, or anti-Israel sentiment, as a thin veil to cover up a much more deep-seated hatred toward Jews.

Let me be clear. It moves far beyond a political statement when your intention is to incite—incite violence and to incite violence against Jewish targets especially.

Since the military operation began on July 8, over 100 anti-Semitic incidents have been reported in the United Kingdom alone. On July 18, four teenagers assaulted a rabbi in Gateshead, and separately, in Belfast, a synagogue was damaged when bricks were thrown through the windows.

France has also experienced a significant number of incidents across the country. In Sarcelles, a kosher store was the target of a Molotov cocktail, and last month, two Jews were sprayed with teargas.

In Paris, two synagogues were attacked on July 13 while the mob chanted "death to the Jews." In Toulouse, Molotov cocktails were thrown at a Jewish community center, but thankfully, the attacker missed the target. Particularly in Toulouse, these incidents evoke memories of the awful shooting that happened 2 years ago when three Jewish children and a teacher were shot and killed at a Jewish day school.

In Germany, long touted—appropriately so—for its extensive protective policies against anti-Semitism, Jews are witnessing anti-Semitic slogans and chants that now seem so out of date and out of place.

Only a few days ago, a Jewish man wearing a yarmulke was assaulted on the streets in Berlin and hit in the face. In Essen, a group of anti-Israel protesters, reportedly on their way to attack a synagogue, were arrested for conspiracy to commit a crime—and the statements, the screaming, in Frankfurt, "You Jews are beasts;" in Paris, "Death to the Jews;" Gelsenkirchen, Germany, chants of "Hamas, Hamas, Jews to the gas."

All over the world, not just statements, but the vitriol found on social

media as well is not only abhorrent, it is chilling, but these incidents, as my colleagues have described, are not taking place only abroad.

Just this past weekend, as my friend from Florida related, a synagogue in her district was vandalized with the words “Hamas” and swastikas spray-painted on the front column. Nearby, a Jewish family woke up to find one of their cars completely covered in eggs, and on another car was written “Jew” and “Hamas.”

Yesterday, outside my own office in Boca Raton, Florida, during a rally, a few angry individuals screamed, “Throw the Jews into the sea.”

A former employee of mine recently posted a story of an occurrence that happened to him last weekend. He said:

Today, I was walking home alone from synagogue, minding my own business. When I got to the crosswalk, I waited for the light to turn, so I could cross safely. While waiting, a car pulled up in front of me where a young man rolled down the window and yelled, “Jew, Hitler was right,” and then drove off.

I remind you this was not at a rally. I was wearing a yarmulke and was walking from synagogue, and I was enjoying Shabbat.

There are many more examples domestically, including a Jewish summer camp in California where graffiti was found that read, “Jews equal killers,” and “Jews are children killers.” It is unacceptable that radical groups have used the conflict between Israel and Hamas as pretext for their own anti-Semitism.

Last month, I proudly joined my colleagues in a letter to Secretary Kerry, urging the State Department’s continued focus on combating anti-Semitism worldwide. I applaud the statements of condemnation by European leaders, including those in France, in Germany, and Italy, and their stated commitment to ensuring the safety of their own communities is to be admired, but there is more that needs to be done to rid societies of this baseless hatred toward Jews.

A number of Jewish leaders in the U.S., Europe, and Israel have expressed serious concern about the rise in the number of incidents in hate speech and violence, and many believe that this animosity has risen to the worst level seen since the Holocaust.

We must continue to speak out on these issues, which is why I am so grateful to have this opportunity tonight. We have to use this opportunity to educate and to combat anti-Semitism in all of its forms.

When we combat anti-Semitism, we stand not just against hatred for the Jews, we stand against hatred, and it affects not just the Jews, but when we stand against anti-Semitism and we speak out against hatred, ultimately, every minority group that is the target of hatred—every one of those groups benefits from our willingness to speak out.

I am glad to have that opportunity to do that here on the floor tonight, and, with that, I, again, would like to thank

my friend, Ms. MENG, for bringing us together today.

Ms. MENG. In conclusion, we stand today united as a Congress to condemn acts of anti-Semitism through the world and right here in our communities. Hate is never the answer. We must always speak up.

I would like to end by reciting a well-known poem by Martin Niemöller:

First, they came for the socialists—and I did not speak out because I was not a socialist. Then they came for the trade unionists—and I did not speak out because I was not a trade unionist. Then they came for the Jews—and I did not speak out because I was not a Jew. Then they came for me—and there was no one left to speak for me.

Mr. Speaker, I yield back the balance of my time.

HAMAS

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 3, 2013, the Chair recognizes the gentleman from Arizona (Mr. FRANKS) for 30 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, I would now yield to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. I want to thank my good friend for yielding and thank him for his leadership and his very eloquent remarks just a few moments ago on Hamas terrorism and the fact that we need to do much more than we have, to try to mitigate, end, and disarm this organization that is committed to the demise of the State of Israel.

Hamas, Mr. Speaker, as we all know, is a terrorist organization, and as Netanyahu put it so well, it is like al Qaeda, and it is just like Boko Haram. They kill people, they murder, they rape, they abduct, and they do all kinds of terrible terrorist activities in order to promote their ends.

Yesterday, Khaled Mashal, leader of Hamas, spoke to Charlie Rose, who asked: Do you want to coexist with the State of Israel? The Hamas leader said in a completely matter-of-fact manner, “No.”

It is clear, Mr. Speaker, that Hamas doesn’t want peace, reconciliation, or coexistence. Hamas seeks only the total demise of Israel.

I would like to quote, Mr. Speaker, briefly from the Hamas Charter, and I encourage Members of this body, Americans, and people around the world to read the Hamas Charter.

Article 13 says:

Initiatives and so-called peaceful solutions and international conferences are in contradiction to the principles of the Islamic Resistance Movement. There is no solution for the Palestinian question except through Jihad. Initiatives, proposals, and international conferences are all a waste of time and vain endeavors.

It gets even worse, Mr. Speaker. Article 20 obscenely compares Israeli society with Nazism. Article 28 charges so-called Zionism with massive conspiracy which “aims at undermining societies, destroying values, corrupting

consciences, deteriorating character, and annihilating Islam.”

Article 32 charges that the plan of the so-called Zionist is embodied in one of the greatest libels of all human history, the “Protocols of the Elders of Zion.”

All of this, Mr. Speaker, recalls Natan Sharansky’s “3-D test of anti-Semitism,” which he called demonization, double standards, and delegitimization.

Sharansky twice testified in hearings that I chaired on combating anti-Semitism and proposed what he called the simple test to help us distinguish legitimate criticism of Israel from anti-Semitism.

As he put it, the three Ds are, again, demonization—he said:

When Israel’s actions are blown out of all sensible proportion; when comparisons are made between Israelis and Nazis, this is anti-Semitism, not legitimate criticism of Israel.

Second, the double standard:

When criticism of Israel is applied selectively, when Israel is singled out by the United Nations for human rights abuses while the behavior of known and major abusers, such as China, Iran, Cuba, and Syria is ignored, this is anti-Semitism.

The third D, delegitimization, as he puts it:

When Israel’s fundamental right to exist is denied—alone among all peoples in the world—this, too, is anti-Semitism.

This, too, is exactly what Hamas is engaged in. From its origins to the present day, the Hamas movement has been poisoned by anti-Semitism, and the murderous nature of this evil has not diminished. It has got worse. Jews today continue to die because of it.

Five IDF soldiers were killed yesterday, 48 have died since July 8, and of course, we are deeply saddened by these deaths, as well as all who have died in the conflict, and we must not forget that it is anti-Semitic hatred that is driving this conflict and causing all of these deaths.

Today, Mr. Speaker, I call on President Obama to give Israel our government’s full support and to make unmistakably clear our government’s position that Israel, in response to Hamas’ unprovoked attacks, is fully in the right to defend itself, including to search out and destroy Hamas terror tunnels and those who launch rockets at Israel.

Again, I thank my good friend, Mr. FRANKS, for his leadership and, again, for his strong and eloquent statement earlier on, during the Special Order on Hamas.

Mr. FRANKS of Arizona. I thank the gentleman.

Mr. Speaker, I just would suggest to you that, in the time that I have been in Congress—nearly 12 years now, about 12 years—I do not know of a greater defender of humanity and truth and just the kind of principle that made America what we are than one Congressman CHRIS SMITH, and I just consider it a privilege for the time that I have been able to serve with him.

Mr. Speaker, 30 years ago, Soviet Marshal Ogarkov announced that Flight 007 of Korean Airlines had been terminated, that the Soviets had shot down a civilian airliner killing all 269 passengers aboard.

President Reagan immediately addressed the entire Nation about the tragedy and resolutely called for justice and for action. He then proceeded to accelerate work on America's missile defense system. He worked with Congress on the Reagan defense buildup, he built relationships with European allies and enforced strong sanctions that ultimately bankrupt and brought down the once-unshakeable Soviet Union.

Mr. Speaker, last week, another civilian airliner, flight MH17, with 298 innocent people aboard, was also shot down and this time by Russian-backed separatists.

On that same day in which the conflict in Israel also escalated to new heights, The New York Times reported President Obama's schedule as, "a cheeseburger with fries at the Charcoal Pit in Delaware, a speech about infrastructure, and two splashy fundraisers in New York City."

Mr. Speaker, where would America be today if we had elected Barack Obama in 1980? Where will this President's leadership take us tomorrow?

With that question, I yield back the balance of my time.

□ 1930

CHRISTIAN PERSECUTION IN IRAQ

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the Chair recognizes the gentleman from Michigan (Mr. BENTIVOLIO) for 30 minutes.

Mr. BENTIVOLIO. Mr. Speaker, as I have said several times in recent weeks, I want to bring attention to the plight of Christians in the Middle East. Any person watching the news for the last several months will have seen an increasingly violent, chaotic, and unpredictable environment. The Middle East, and Iraq in particular, are not stable. This creates an enormous problem for Christians in the region.

Chaldean Christians in Michigan and in my district have repeatedly raised the issue of ongoing persecution of Christians in Iraq. Just recently, the last remaining Christians were forced to flee. ISIS has taken the city. For the first time in well over a thousand years, Sunday mass is no longer being said.

My colleague, friend, and mentor, Representative FRANK WOLF, has characterized the situation facing Christians in Iraq as genocide. That analysis is about as accurate as it can get. Christians have been targeted and killed for their faith. What we are seeing is genocide, the eradication of a specific group of people, namely, Christians.

ISIS is trying to wipe the face of Christianity from Iraq. Not only have

they killed and pushed Christians out of territory that they control, they are also destroying the physical traces of Christianity. Churches, monasteries, and religious sites are being destroyed and desecrated. Even Jonah's tomb has been destroyed. And the shrine of the Prophet Seth has been blown up. As a Christian, it is an incredibly heart-breaking series of events that I have watched unfold.

I have been an advocate for human rights and religious freedom since I took office, and what really bothers me is the fact that neither the President nor the State Department have addressed the challenges facing Christians in Iraq. Chaldean Christians in my district have been asking me what can be done for Iraqi Christians. But, as I have said many times before, there is only so much that can be done when the President has not taken action.

The government and military of Iraq are weak, ineffectual, and unable to defend the people of their country. The U.S. withdrawal from Iraq has left a power vacuum that has allowed a group like ISIS to take control and force their radical beliefs on an increasingly large portion of the population. I am worried that what we have seen is only the beginning. Christians are being targeted now, but I suspect that they will eventually begin to target Muslims who don't share their beliefs as well.

Radical Islamists are trying to shape and form an Iraq that adheres to their beliefs. They are destroying Iraq's cultural and religious heritage, its history. If they succeed, there will be nothing left of it.

Chaldeans and Iraqi Christians don't want to leave Iraq, and many in my district wish that they never had to. However, it has become too dangerous to stay. When faced with forced conversions, death, and other forms of violence, most Christians have chosen to flee. Genocide is indeed a brutal thing.

As I discussed in a previous speech on the House floor, there is a severe problem in U.S. foreign policy that needs to be examined. The U.S. began the Iraq war with the goal of ridding the region of a tyrannical government that didn't protect its people. However, a decade later, at the conclusion of the U.S. military mission in Iraq, the people are perhaps worse off than they were before the U.S. invasion.

What did we miss? If the U.S. is leaving Iraq in a considerably worse state than when we arrived, there is something that went wrong. That is the question that needs to be asked and what needs to be considered. It is not that we can afford to make these kinds of mistakes; it is that people who live there absolutely can't afford the consequences.

We need to put pressure on the Kurdish government to continue protecting the Iraqi Christians. We need to analyze where our foreign aid is going and whom it is going to. I have heard from many of my constituents, Chaldean Christians and others from Iraq, that

the aid we are sending to Iraq is not making it to the Christian communities.

If we are going to be giving foreign aid, humanitarian or otherwise, to a country or government in order to protect its people, then they better do it. If we are propping up a government or nation that doesn't protect its people from radical threats, religious and ethnic persecution, and genocide, then it is time to reevaluate that relationship and figure out a better path forward.

I have said before and firmly believe, if countries in the Middle East are unable to provide security and stability for all of their people, then they will never be stable. They will continue to be at risk. We have to encourage stable societies, respect for religious freedom, democracy, and the rule of law. We can't just build strong governments and militaries or the U.S. will always face the problems we are seeing in Iraq.

If Iraq's Christians are forced out entirely, I don't think there will be much hope left for the country. I would like to see Chaldean Christians and other Iraqis one day be able to return home. At the moment, I am not sure when that will be possible. That depends on Iraq's resilience and ability to manage radical threats. I will remain hopeful, and I ask that others also pray for those still there facing a dire situation.

Mr. Speaker, I yield to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, I am very grateful to my friend for yielding, and I am very grateful for his strong stance on the issue of Israel and just wanted to add an exclamation point to the gentleman's comments.

There has been a lot of discussion about Israel tonight and about what is being done against the interests of Israel, but, Mr. Speaker, I think it bears pointing out that this administration could do much to help our friend Israel. And that when anyone in this administration says to the world and, in particular, the people in the Middle East, including the terrorists in the Middle East, that we see Israel, a country whose leaders are elected, and Hamas, whose leaders are sworn to the destruction of Israel and the death of Jews, then the world gets the wrong impression. They get the impression that we see terrorism and love of life in Israel—terrorism by Hamas, love of life in Israel—as equals. That is a despicable thing to show the world from the United States, from any administration official.

It is important that we let the world know that when a nation that is such a dear friend as Israel is attacked repeatedly by rockets intended to kill innocent children, women, others around the country, then they have the right of self-defense to go in and clean up those who would destroy them. That means, when they go in to shut down the tunnels by which terrorists are allowed to enter their country and kill people, that we don't have some do-gooder from the United States rush in

and say: Hold on. Hold on. We realize you are destroying the tunnels that are allowing Israelis to be killed. We realize you are shutting down the rocket missile sites from which rockets are being launched to kill Israelis, but we want to give Hamas a breather so these terrorists, bent on killing Israelis, can regather their forces and get a better run at death to Israelis.

That is a disastrous foreign policy. You don't put as equals terrorists and a country that loves life, and it loves life so much that, unlike any military operation I am aware of, it notifies the people they are about to bomb before they bomb so people can clear out. That is extraordinary.

The burden of proof on Israel that is placed there by some in this administration and by others who love the terrorists and hate those who simply want to live in peace is unbearable. It is time the United States showed itself to be a friend of Israel.

The good news is, in this body, in this House, and even at the other end in the Senate, though we disagree profoundly on so many issues, when Israel comes up, we are more unified on our friendship with Israel than we are about any other issue I am aware of. And that is how it should be.

When the leader of Israel, Prime Minister Netanyahu, came and spoke a few years ago right here at this podium, both sides of the aisle stood and applauded repeatedly. That is as it should be. As he pointed out right here, if Israel lays down its weapons, there is no Israel. If the Palestinians lay down their weapons, there is no war. The war ends. That is all they are asking for.

I used to wonder why in the world did the Israelis try to give away land, try to buy peace, when every time they give away land they are attacked from that piece of land. After spending time in Israel, I began to understand. When you see the coffee shops, the different places where people would gather that would have someone loaded up with a suicide bomb, walk in and blow up as many innocent people as they could, or see an area and they would say that is where the terrorist bomber came walking up on the school ground, then you realize they are willing to even give away their precious land that God gave

to them over 3,000 years ago if they can just buy a little peace. But the lesson should come back loudly: there has never been a time in Israel's history when it has given away land trying to buy peace when that land was not ultimately used as a staging area from which to attack it.

I think it was pretty clear this administration showed its cards when, as a method of thumping, figuratively speaking, Israel, the FAA suspended flights into Tel Aviv. They were not at risk any more than other flights from American airlines around the world, especially in countries where there are terrorists. But it was a message to Israel that, hey, you better do what we tell you or we are going to hurt you economically. That message was clear and it wasn't missed by the Israelis. And then to have that followed by the Secretary of State putting a terrorist organization and a country that is one of our dearest friends together on equal standing was further insult to the injury, literal injury that this country had caused Israel.

It is time that we recognize what my dear friend Mr. BENTIVOLIO has said clearly. It is time we stand with Israel. It is time to make clear to Israel's enemies: You take on Israel, you take us on. You may not get that from this administration. They may still be playing patty-cake with terrorists, but in this Congress, from both sides of the aisle, we stand with Israel. I thank my friend so much for helping make that clear.

Mr. BENTIVOLIO. I thank the gentleman from Texas for his wisdom on this and so many other important issues facing us today.

Mr. Speaker, I yield back the balance of my time.

CORRECTION TO THE CONGRESSIONAL RECORD OF WEDNESDAY, JULY 16, 2014 AT PAGE H6318

AMENDMENT OFFERED BY MR. MASSIE

Mr. MASSIE. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act, including amounts made available under titles IV or VIII, may be used by any authority of the government of the District of Columbia to enforce any provision of the Firearms Registration Amendment Act of 2008 (D.C. Law 17-372), the Inoperable Pistol Amendment Act of 2008 (D.C. Law 17-388), the Firearms Amendment Act of 2012 (D.C. Law 19-170), or the Administrative Disposition for Weapons Offenses Amendment Act of 2012 (D.C. Law 19-295).

The Acting CHAIR. Pursuant to House Resolution 661, the gentleman from Kentucky and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Kentucky.

SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 653. An Act to provide for the establishment of the Special Envoy to Promote Religious Freedom of Religious Minorities in the Near East and South Central Asia.

S. 1104. An Act to measure the progress of recovery and development efforts in Haiti following the earthquake of January 12, 2010, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on July 29, 2014, she presented to the President of the United States, for his approval, the following bill:

H.R. 3212. To ensure compliance with the 1980 Hague Convention on the Civil Aspects of International Child Abduction by countries with which the United States enjoys reciprocal obligations, to establish procedures for the prompt return of children abducted to other countries, and for other purposes.

ADJOURNMENT

Mr. BENTIVOLIO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 44 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, July 30, 2014, at 10 a.m. for morning-hour debate.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Official Foreign Travel during the second quarter of 2014, pursuant to Public Law 95-384, are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2014

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Bart Fischer	6/20	6/25	Switzerland		1,339.78		1,137.05		895.00		3,371.83
Committee total					1,339.70		1,137.05		895.00		3,371.83

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2014

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Cheri Bustos	5/9	5/14	Afghanistan .....	.....	.....	.....	11,734.60	.....	.....	.....	11,734.60
Hon. Sean Maloney	5/24	5/28	Afghanistan .....	.....	.....	.....	11,348.70	.....	.....	.....	11,348.70
Hon. Markwayne Mullin	5/24	5/28	Afghanistan .....	.....	.....	.....	11,348.70	.....	.....	.....	11,348.70
Committee total .....	.....	.....	.....	.....	.....	.....	34,432.00	.....	.....	.....	34,432.00

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. BILL SHUSTER, Chairman, July 16, 2014.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON VETERANS' AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2014

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☐¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. JEFF MILLER, Chairman, July 18, 2014.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

6662. A letter from the Associate Administrator, Department of Agriculture, transmitting the Department's final rule — Pistachios Grown in California, Arizona, and New Mexico; Modification of Aflatoxin Regulations [Doc. No.: AMS-FV-12-0068; FV13-983-1 FR] received July 22, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6663. A letter from the Chairman, Military Compensation and Retirement Modernization Commission, transmitting interim report June 2014, pursuant to Public Law 112-239, section 374(f)(6) (126 Stat. 1793); to the Committee on Armed Services.

6664. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Current Good Manufacturing Practices, Quality Control Procedures, Quality Factors, Notification Requirements, and Records and Reports, for Infant Formula; Correction [Docket No.: FDA-1995-N-0063 (formerly 95N-0309)] (RIN: 0910-AF27) received July 23, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6665. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule — Rules and Regulations Under the Wool Products Labeling Act of 1939 (RIN: 3084-AB29) received July 28, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6666. A letter from the Assistant Legal Adviser, Office of Treaty Affairs, Department of State, transmitting a report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

6667. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. Act 20-376, "Fiscal Year 2014 Revised Budget Request Temporary Adjustment Act of 2014"; to the Committee on Oversight and Government Reform.

6668. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. Act 20-378, "Residential Real Property Equity and Transparency Amendment Act of 2014"; to the Committee on Oversight and Government Reform.

6669. A letter from the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period April 1, 2014 through June 30, 2014 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a Public Law 88-454; (H. Doc. No. 113—141); to the Committee on House Administration and ordered to be printed.

6670. A letter from the Biologist, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Reclassification of the U.S. Breeding Population of the Wood Stork From Endangered to Threatened [Docket No.: FWS-R4-ES-2012-0020; FXES1113090000C2-134-FF09E32000] (RIN: 1018-AX60) received July 28, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6671. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Snapper-Grouper Fishery of the South Atlantic; 2014 Recreational Accountability Measure and Closure for South Atlantic Golden Tilefish [Docket No.: 120403249-2492-02] (RIN: 0648-XD200) received July 28, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6672. A letter from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Endangered and Threatened Wildlife and Plants; Threatened and Endangered Status for Distinct Population Segments of Scalloped Hammerhead Sharks [Docket No.: 111025652-4523-03] (RIN: 0648-XA798) received July 21, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6673. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Revenue Ruling: Stock Rights Exempt from Section 457A (Rev. Rul. 2014-18) received July 18, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6674. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Disclosures of Return Information Reflected on Returns to Officers and Employees of the Department of Commerce for Certain Statistical Purposes and Related Activities [TD 9677] (RIN: 1545-BL60) received July 22, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6675. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Research Expenditures [TD 9680] (RIN: 1545-BE64) received July 22, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6676. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Guidelines for the Streamlined Process of Applying for Recognition of Section 501(c)(3) Status [TD 9674] (RIN: 1545-BM07) received July 28, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6677. A letter from the Assistant Secretary, Department of Defense, transmitting additional legislative proposals that the Department of Defense requests be enacted during the second session of the 113th Congress; jointly to the Committees on Armed Services, Foreign Affairs, Oversight and Government Reform, and the Budget.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UPTON: Committee on Energy and Commerce. H.R. 4299. A bill to amend the Controlled Substances Act with respect to drug scheduling recommendations by the Secretary of Health and Human Services, and with respect to registration of manufacturers and distributors seeking to conduct clinical testing (Rept. 113-565 Pt. 1). Ordered to be printed.

Mr. NUGENT: Committee on Rules. House Resolution 694. Resolution providing for consideration of the resolution (H. Res. 676) providing for authority to initiate litigation for

actions by the President or other executive branch officials inconsistent with their duties under the Constitution of the United States; providing for consideration of the bill (H.R. 935) to amend the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Water Pollution Control Act to clarify Congressional intent regarding the regulation of the use of pesticides in or near navigable waters, and for other purposes; and providing for proceedings during the period from August 1, 2014, through September 5, 2014. (Rept. 113-566). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII, the following action was taken by the Speaker:

H.R. 4299. Referral to the Committee on the Judiciary extended for a period ending not later than September 19, 2014.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LYNCH (for himself, Mr. FARENTHOLD, Mr. CUMMINGS, and Mr. BUTTERFIELD):

H.R. 5229. A bill to amend title 5, United States Code, to provide leave to any new Federal employee who is a veteran with a service-connected disability rated at 30 percent or more for purposes of undergoing medical treatment for such disability, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. ROGERS of Kentucky:

H.R. 5230. A bill making supplemental appropriations for the fiscal year ending September 30, 2014, and for other purposes; to the Committee on Appropriations.

By Mr. BENTIVOLIO (for himself and Ms. DUCKWORTH):

H.R. 5231. A bill to amend the Small Business Act to direct the task force of the Office of Veterans Business Development to provide access to and manage the distribution of excess or surplus property to veteran-owned small businesses; to the Committee on Small Business.

By Mr. DOGGETT (for himself and Mr. YOUNG of Indiana):

H.R. 5232. A bill to amend title XVIII of the Social Security Act to require hospitals to provide certain notifications to individuals classified by such hospitals under observation status rather than admitted as inpatients of such hospitals; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLDING (for himself, Mr. NADLER, Mr. COBLE, Mr. CONYERS, Mr. CHABOT, Mr. JEFFRIES, Mr. RICHMOND, and Ms. DELBENE):

H.R. 5233. A bill to amend chapter 90 of title 18, United States Code, to provide Federal jurisdiction for the theft of trade secrets, and for other purposes; to the Committee on the Judiciary.

By Ms. SHEA-PORTER:

H.R. 5234. A bill to amend the Internal Revenue Code of 1986 to allow a credit against tax for manufacturing job training expenses; to the Committee on Ways and Means.

By Mr. ENGEL (for himself, Mr. ROYCE, Mr. SMITH of Washington, Mrs. DAVIS

of California, Mr. JEFFRIES, Mr. SHERMAN, Ms. ROS-LEHTINEN, Mr. DEUTCH, and Ms. FRANKEL of Florida):

H.R. 5235. A bill to authorize further assistance to Israel for the Iron Dome anti-missile defense system; to the Committee on Foreign Affairs.

By Mr. MARCHANT:

H.R. 5236. A bill to amend title 18, United States Code, to add certain tax-related crimes to the definition of aggravated identity theft, and for other purposes; to the Committee on the Judiciary.

By Mr. COFFMAN:

H.R. 5237. A bill to direct the Secretary of Homeland Security to allow aliens having status as an E-2 nonimmigrant by reason of a change of nonimmigrant classification made in the United States to re-enter the United States after a trip abroad without obtaining a new visa; to the Committee on the Judiciary.

By Ms. JACKSON LEE (for herself, Mr. NADLER, Ms. HAHN, Ms. CLARKE of New York, Mr. ELLISON, Ms. BROWN of Florida, Mr. CROWLEY, Ms. FUDGE, Ms. WILSON of Florida, Mr. MEEKS, and Mr. HINOJOSA):

H.R. 5238. A bill to preserve the access of victims of trafficking to information about their eligibility to receive SNAP benefits; to the Committee on Agriculture.

By Mr. POCAN (for himself, Ms. WILSON of Florida, Ms. BONAMICI, Mr. VARGAS, Mr. MCGOVERN, and Mr. SARBANES):

H.R. 5239. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income any discharge of student loan indebtedness; to the Committee on Ways and Means.

By Mr. THOMPSON of Mississippi:

H.R. 5240. A bill to reform classification and security clearance processes throughout the Federal Government and, within the Department of Homeland Security, to establish an effective and transparent process for the designation, investigation, adjudication, denial, suspension, and revocation of security clearances, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committees on Homeland Security, Intelligence (Permanent Select), and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONNOLLY (for himself and Mr. CHABOT):

H.R. 5241. A bill to prohibit United States Government recognition of Russia's annexation of Crimea; to the Committee on Foreign Affairs.

By Mrs. DAVIS of California (for herself, Ms. DELAURO, and Ms. DELBENE):

H.R. 5242. A bill to amend the Richard B. Russell National School Lunch Act to establish a permanent, nationwide summer electronic benefits transfer for children program; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DESANTIS (for himself and Mr. FRANKS of Arizona):

H.R. 5243. A bill to eliminate the payroll tax for individuals who have attained retirement age, to amend title II of the Social Security Act to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits under such title, and for other purposes; to the Committee on Ways and Means.

By Ms. ESTY (for herself, Ms. SLAUGHTER, and Mr. BRADY of Pennsylvania):

H.R. 5244. A bill to establish the Council on Healthy Housing and for other purposes; to the Committee on Financial Services.

By Mr. JONES:

H.R. 5245. A bill to designate the facility of the United States Postal Service located at 314 Lennon Drive in Wilmington, North Carolina, as the "Meadowlark Lemon Post Office"; to the Committee on Oversight and Government Reform.

By Mr. JORDAN:

H.R. 5246. A bill to require the United States attorney to bring the matter of an individual's contempt of Congress before a grand jury not later than 30 days after receiving a certification from the Speaker of the House of Representatives or the President of the Senate that the individual is in contempt; to the Committee on the Judiciary.

By Mr. KIND:

H.R. 5247. A bill to amend the Tariff Act of 1930 to eliminate the consumptive demand exception to prohibition on importation of goods made with convict labor, forced labor, or indentured labor, and for other purposes; to the Committee on Ways and Means.

By Ms. LEE of California (for herself, Mr. ENGEL, Mrs. CAROLYN B. MALONEY of New York, and Ms. SLAUGHTER):

H.R. 5248. A bill to provide for United States participation in the Inter-Parliamentary Union, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MORAN (for himself, Mr. KINZINGER of Illinois, Ms. DELAURO, Ms. KAPTUR, Mr. LARSON of Connecticut, and Ms. ESTY):

H.R. 5249. A bill to re-impose sanctions on Russian arms exporter Rosoboronexport, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Oversight and Government Reform, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON:

H.R. 5250. A bill to use Federal purchasing power to create good jobs, rebuild the middle class, address income inequality, stimulate the economy, and to achieve other purposes; to the Committee on Oversight and Government Reform.

By Mr. OWENS:

H.R. 5251. A bill to amend the Internal Revenue Code of 1986 to exempt foreign pensions from dispositions of investment in United States real property; to the Committee on Ways and Means.

By Mr. SENSENBRENNER (for himself, Mr. BACHUS, Mr. TERRY, Mr. COHEN, and Mr. JOHNSON of Georgia):

H.R. 5252. A bill to ensure that methods of collecting taxing and fees by private citizens on behalf of States are fair and effective and do not discriminate against interstate commerce; to the Committee on the Judiciary.

By Mr. SENSENBRENNER (for himself, Mr. TURNER, Mr. COLE, Mr. MCCLINTOCK, Mr. ROONEY, Mrs. BLACK, Mr. COLLINS of Georgia, Mrs. MILLER of Michigan, Mr. GIBBS, Mr. COBLE, and Mr. WOMACK):

H.R. 5253. A bill to amend the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 to require consultation with States before awarding grants or contracts for housing facilities for unaccompanied alien children; to the Committee on the Judiciary.

By Ms. SINEMA (for herself and Mr. BENISHEK):

H.R. 5254. A bill to appropriately limit the authority to award bonuses to employees; to

the Committee on Oversight and Government Reform.

By Mr. CARNEY:

H.J. Res. 121. A joint resolution proposing an amendment to the Constitution of the United States relating to the authority of Congress and the States to regulate political campaign contributions and expenditures, including independent expenditures; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

290. The SPEAKER presented a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 1086 urging the Congress and the President to review the Case of Loren Duke Abdalla's actions during World War II; to the Committee on Armed Services.

291. Also, a memorial of the Senate of the State of Missouri, relative to Senate Concurrent Resolution No. 31 urging the Congress and the President to reauthorize the Terrorism Risk Insurance Program; to the Committee on Financial Services.

292. Also, a memorial of the Senate of the State of Tennessee, relative to Senate Resolution No. 61 urging the Speaker and the Clerk of the House of Representatives to release forthwith the TBI report known as "MLK Document 200472"; to the Committee on House Administration.

293. Also, a memorial of the Senate of the State of Missouri, relative to Senate Concurrent Resolution No. 22 urging the Department of the Interior National Park Service to pursue one of the following options in regard to the Ozark National Scenic Riverways; to the Committee on Natural Resources.

294. Also, a memorial of the House of Representatives of the State of Missouri, relative to a resolution calling the President to support the increased importation of oil from Canadian oil sands; jointly to the Committees on Transportation and Infrastructure, Energy and Commerce, Natural Resources, and Foreign Affairs.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. LYNCH:

H.R. 5229.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18.

By Mr. ROGERS of Kentucky:

H.R. 5230.

Congress has the power to enact this legislation pursuant to the following:

The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which states: "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law. . . ." In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: "The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States. . . ." Together, these specific constitutional provisions establish the congress-

sional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.

By Mr. BENTIVOLIO:

H.R. 5231.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, clause 2

"The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States."

By Mr. DOGGETT:

H.R. 5232.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the United States Constitution.

By Mr. HOLDING:

H.R. 5233.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution; and, Article I, Section 8, clause 8 of the United States Constitution, in that the legislation exercises legislative power granted to Congress by that clause "to promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries" and Article III.

By Ms. SHEA-PORTER:

H.R. 5234.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution

By Mr. ENGEL:

H.R. 5235.

Congress has the power to enact this legislation pursuant to the following:

the authority delineated in Article I Section I, which includes an implied power for the Congress to regulate the conduct of the United States with respect to foreign affairs.

By Mr. MARCHANT:

H.R. 5236.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1:

The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. COFFMAN:

H.R. 5237.

Congress has the power to enact this legislation pursuant to the following:

Article I, Sec. 8, of the United States Constitution

By Ms. JACKSON LEE:

H.R. 5238.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clauses 1, 4, and 18 of the United States Constitution.

By Mr. POCAN:

H.R. 5239.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. THOMPSON of Mississippi:

H.R. 5240.

Congress has the power to enact this legislation pursuant to the following:

The U.S. Constitution including Article 1, Section 8.

By Mr. CONNOLLY:

H.R. 5241.

Congress has the power to enact this legislation pursuant to the following:

This bill is introduced pursuant to the authority delineated in Article I section I, which includes an implied power for the Congress to regulate the conduct of the United States with respect to foreign affairs.

By Mrs. DAVIS of California:

H.R. 5242.

Congress has the power to enact this legislation pursuant to the following:

Article I, Sec. 8

By Mr. DESANTIS:

H.R. 5243.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1, and Article I, Section 8, Clause 3

By Ms. ESTY:

H.R. 5244.

Congress has the power to enact this legislation pursuant to the following:

Article I, Sec. 8

The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States;

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

By Mr. JONES:

H.R. 5245.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to the Congress under Article 1, Section 8, Clause 1 of the United States Constitution.

By Mr. JORDAN:

H.R. 5246.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. KIND:

H.R. 5247.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8.

By Ms. LEE of California:

H.R. 5248.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. MORAN:

H.R. 5249.

Congress has the power to enact this legislation pursuant to the following:

clause 3 of section 8 of article I of the Constitution

By Ms. NORTON:

H.R. 5250.

Congress has the power to enact this legislation pursuant to the following:

clause 1 of section 8 of article I of the Constitution.

By Mr. OWENS:

H.R. 5251.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, of the United States Constitution.

By Mr. SENSENBRENNER:
H.R. 5252.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, clauses 1 and 3

By Mr. SENSENBRENNER:
H.R. 5253.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, clause 4

By Ms. SINEMA:
H.R. 5254.
Congress has the power to enact this legislation pursuant to the following:
Article I Section 8

By Mr. CARNEY:
H.J. Res. 121.
Congress has the power to enact this legislation pursuant to the following:

Article V of the United States Constitution: "The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate."

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 36: Mr. FLEISCHMANN and Mr. JOYCE.
H.R. 140: Mr. FORTENBERRY.
H.R. 303: Mr. FARENTHOLD.
H.R. 333: Mr. PERLMUTTER, Mr. HIMES, and Mr. PALLONE.
H.R. 351: Ms. BROWNLEY of California.
H.R. 411: Ms. TSONGAS, Ms. DUCKWORTH, and Mr. COLLINS of New York.
H.R. 543: Mr. ROTHFUS and Ms. BONAMICI.
H.R. 647: Mr. PRICE of Georgia, Mr. MCCLINTOCK, and Mr. BARTON.
H.R. 769: Ms. DELBENE.
H.R. 1015: Mr. RUNYAN, Mr. RIBBLE, and Mr. TIBERI.
H.R. 1020: Mr. BERA of California.
H.R. 1070: Mr. MEEHAN.
H.R. 1129: Mr. DESANTIS.
H.R. 1141: Mr. CARTWRIGHT.
H.R. 1331: Mr. WENSTRUP.
H.R. 1507: Mr. SCHRADER.
H.R. 1563: Mr. COHEN and Mr. DUNCAN of Tennessee.
H.R. 1579: Mr. CARTWRIGHT.
H.R. 1620: Mr. SARBANES, Ms. HANABUSA, Mr. LAMBORN, Mr. HORSFORD, Mr. CRENSHAW, and Mr. BISHOP of Utah.
H.R. 1666: Mr. NOLAN.
H.R. 1725: Ms. TSONGAS.
H.R. 1733: Mr. FLEISCHMANN.
H.R. 1761: Ms. KAPTUR.
H.R. 1770: Ms. SHEA-PORTER.
H.R. 1812: Mr. SIMPSON.
H.R. 1827: Mr. BISHOP of New York.
H.R. 1830: Ms. SINEMA and Mr. PASTOR of Arizona.
H.R. 1852: Mr. FLORES, Mr. DUFFY, Mr. HALL, Mr. SCHOCK, Mr. PRICE of Georgia, and Mr. SANFORD.
H.R. 1975: Mr. NOLAN.
H.R. 2028: Mrs. NAPOLITANO, Mrs. MCCARTHY of New York, and Ms. BONAMICI.

H.R. 2084: Mr. ROKITA and Mr. PALLONE.
H.R. 2224: Mr. NADLER.
H.R. 2366: Mr. BUCHANAN, Mr. CASSIDY, Mrs. ELLMERS, Mr. MCHENRY, Mrs. MILLER of Michigan, Mr. MULLIN, Mr. SHUSTER, Ms. DELAURO, Mr. LOEBSACK, Ms. BORDALLO, Mr. GRIMM, Mr. LANGEVIN, Ms. HANABUSA, Mr. DOYLE, Ms. GRANGER, Mr. MURPHY of Florida, Ms. MCCOLLUM, Mr. SCHIFF, Mr. SERRANO, Ms. LOFGREN, Mr. RICE of South Carolina, and Mr. SCALISE.
H.R. 2398: Mr. TIPTON.
H.R. 2426: Ms. JACKSON LEE, Mr. LOWENTHAL, Mr. ENYART, and Ms. MENG.
H.R. 2450: Ms. BROWNLEY of California, Ms. KAPTUR, and Ms. LEE of California.
H.R. 2638: Mr. CARTWRIGHT.
H.R. 2673: Mr. KELLY of Pennsylvania, Mr. LATTA, and Mr. NUNNELEE.
H.R. 2737: Ms. ESTY.
H.R. 2750: Mr. CARTWRIGHT.
H.R. 2835: Mr. HASTINGS of Washington.
H.R. 2847: Mr. POCAN, Mr. DOYLE, Ms. MATSUI, and Mr. NADLER.
H.R. 2994: Mr. CARSON of Indiana, Mr. GUTIÉRREZ, Mr. HANNA, and Mr. RUNYAN.
H.R. 3121: Mr. LATTA.
H.R. 3276: Ms. SINEMA and Mr. TIERNEY.
H.R. 3279: Mrs. LUMMIS.
H.R. 3303: Mr. SCHOCK.
H.R. 3322: Mr. BEN RAY LUJÁN of New Mexico.
H.R. 3331: Mr. CARTWRIGHT.
H.R. 3367: Mr. CRAWFORD and Mr. ROSKAM.
H.R. 3374: Mr. TERRY.
H.R. 3384: Mr. CARTWRIGHT.
H.R. 3426: Mr. BARROW of Georgia.
H.R. 3485: Mr. WENSTRUP.
H.R. 3516: Mr. CARTWRIGHT.
H.R. 3556: Mr. GIBSON.
H.R. 3712: Mr. ELLISON.
H.R. 3723: Ms. ROYBAL-ALLARD, Mr. HASTINGS of Florida, and Mr. CARSON of Indiana.
H.R. 3742: Mr. PASCRELL.
H.R. 3775: Mr. PAULSEN and Mr. VALADAO.
H.R. 3776: Mr. RODNEY DAVIS of Illinois and Mr. SHIMKUS.
H.R. 3850: Mr. SCHOCK.
H.R. 3852: Ms. JACKSON LEE and Ms. KUSTER.
H.R. 3877: Mr. NOLAN.
H.R. 3929: Mr. ELLISON.
H.R. 3978: Mr. CARTWRIGHT.
H.R. 3992: Mr. GIBSON.
H.R. 3997: Ms. JACKSON LEE and Mr. MCGOVERN.
H.R. 4012: Mr. COTTON.
H.R. 4016: Mr. DELANEY and Ms. MATSUI.
H.R. 4026: Mr. CARTWRIGHT.
H.R. 4067: Mrs. NOEM and Mr. SCHOCK.
H.R. 4106: Mr. MCKINLEY.
H.R. 4143: Mr. STIVERS.
H.R. 4158: Mr. CALVERT.
H.R. 4172: Mr. LANCE, Mr. NOLAN, and Mr. CARTWRIGHT.
H.R. 4187: Mr. BEN RAY LUJÁN of New Mexico.
H.R. 4188: Mr. GALLEGGO and Mr. CARTWRIGHT.
H.R. 4190: Mrs. CAPITO, Mr. RYAN of Ohio, Mr. NOLAN, Mr. LONG, and Mr. SCHIFF.
H.R. 4227: Mr. CARTWRIGHT.
H.R. 4351: Mr. LANKFORD.
H.R. 4437: Mr. FATTAH.
H.R. 4446: Mr. LAMBORN and Mr. FARENTHOLD.
H.R. 4574: Mr. CICILLINE.
H.R. 4577: Mr. OWENS, Mr. CARTWRIGHT, and Mr. RUSH.
H.R. 4590: Mr. RIBBLE.
H.R. 4646: Mr. GALLEGGO.
H.R. 4680: Mr. CARTWRIGHT.
H.R. 4682: Mr. COOPER and Mr. NOLAN.
H.R. 4701: Mr. MAFFEI.
H.R. 4714: Mrs. CAPPS.
H.R. 4717: Mrs. BUSTOS.
H.R. 4726: Mrs. BUSTOS.
H.R. 4739: Mr. GIBSON.

H.R. 4740: Mr. TIBERI.
H.R. 4748: Mr. GEORGE MILLER of California and Mr. SMITH of Nebraska.
H.R. 4756: Mr. TAKANO.
H.R. 4762: Mr. LOEBSACK.
H.R. 4775: Mr. DAINES.
H.R. 4777: Mrs. BACHMANN.
H.R. 4792: Mr. CALVERT.
H.R. 4793: Mr. HASTINGS of Florida, Mr. RYAN of Ohio, Mr. GARAMENDI, Mr. JONES, Mr. OWENS, Mr. RUSH, Ms. LEE of California, Mr. MCDERMOTT, Mr. SERRANO, and Mr. PALLONE.
H.R. 4815: Ms. SHEA-PORTER.
H.R. 4818: Mr. HASTINGS of Florida, Mr. JONES, Mr. OWENS, Mr. RUSH, Mr. MCDERMOTT, and Mr. PALLONE.
H.R. 4837: Mr. COURTNEY and Mr. REED.
H.R. 4857: Ms. LINDA T. SÁNCHEZ of California.
H.R. 4885: Mr. RIBBLE, Ms. TITUS, and Mr. NUNES.
H.R. 4960: Mr. SCHIFF, Mr. POLIS, Mr. FLORES, Ms. NORTON, Mr. TONKO, Mr. LUETKEMEYER, Mr. TIERNEY, Mr. CALVERT, and Mrs. BACHMANN.
H.R. 4969: Mr. WEBSTER of Florida, Mr. ISRAEL, and Mrs. MCCARTHY of New York.
H.R. 4971: Ms. SINEMA.
H.R. 4978: Mr. COURTNEY.
H.R. 4981: Mr. JOYCE and Mr. CHAFFETZ.
H.R. 4989: Mr. MILLER of Florida.
H.R. 5000: Mr. PRICE of North Carolina.
H.R. 5014: Mr. MESSER, Mr. HALL, and Mr. DESJARLAIS.
H.R. 5026: Mr. COTTON.
H.R. 5033: Ms. SHEA-PORTER.
H.R. 5038: Ms. DELBENE.
H.R. 5052: Mr. NUNNELEE, Mr. MCALLISTER, and Mr. MATHESON.
H.R. 5054: Mr. JONES.
H.R. 5059: Mr. THOMPSON of California, Mr. NOLAN, and Ms. SINEMA.
H.R. 5065: Mr. ELLISON and Mr. SCHIFF.
H.R. 5069: Mr. HUFFMAN.
H.R. 5071: Mr. COLE, Mr. TIPTON, Mr. NUNNELEE, Mr. LONG, Mr. HASTINGS of Washington, and Mr. VALADAO.
H.R. 5078: Mr. WALDEN, Mr. DUFFY, Mr. KINZINGER of Illinois, Mr. DESANTIS, Mr. YOHIO, Mr. HUIZENGA of Michigan, Mr. TIBERI, Mrs. BACHMANN, Mr. GARDNER, and Mr. SHIMKUS.
H.R. 5083: Mr. LOEBSACK.
H.R. 5087: Ms. CLARKE of New York, Mr. BISHOP of New York, Mr. RANGEL, and Mr. ISRAEL.
H.R. 5088: Mr. HASTINGS of Florida, Mr. GARAMENDI, Mr. JONES, Mr. BROUN of Georgia, Mr. RUSH, and Mr. PALLONE.
H.R. 5098: Mr. MESSER.
H.R. 5101: Mr. CARTWRIGHT.
H.R. 5122: Mr. LOEBSACK.
H.R. 5130: Mr. JOHNSON of Georgia.
H.R. 5131: Mr. SMITH of Missouri.
H.R. 5159: Mr. CARTWRIGHT.
H.R. 5160: Mr. SAM JOHNSON of Texas, Mr. BRADY of Texas, Mr. NEUGEBAUER, Mr. OLSON, Mr. JONES, Mr. BARLETTA, Mr. HENSARLING, Mr. POE of Texas, and Mr. BYRNE.
H.R. 5179: Mr. GRIJALVA.
H.R. 5182: Mr. POLIS.
H.R. 5195: Ms. GABBARD, Mr. MORAN, and Mr. STIVERS.
H.R. 5203: Mrs. LUMMIS.
H. Con. Res. 107: Mr. LAMBORN, Mr. STIVERS, Mr. PETERSON, Mr. CLAWSON of Florida, Mr. KLINE, Mr. LANKFORD, Mr. GOHMERT, Mr. PAULSEN, Mrs. WALORSKI, Mr. ROE of Tennessee, Mr. FLORES, and Mr. SALMON.
H. Con. Res. 109: Mr. WEBER of Texas, Mr. KING of Iowa, Mr. COTTON, Mr. LAMBORN, Mrs. BACHMANN, and Mr. LATTA.
H. Con. Res. 110: Mrs. HARTZLER, Mr. MCGOVERN, Mr. JOHNSON of Ohio, Mr. ROTHFUS, Mr. MEADOWS, Mr. BILIRAKIS, Mr. LIPINSKI, Mr. RODNEY DAVIS of Illinois, Mr. TIBERI, Mr. GERLACH, Mr. LANCE, and Mr. DENT.

H. Res. 72: Mr. BLUMENAUER and Mr. TONKO.
 H. Res. 281: Mr. BARR, Mr. HOLDING, Mr. CARNEY, and Mr. DELANEY.
 H. Res. 422: Ms. SHEA-PORTER.
 H. Res. 456: Mr. MCKINLEY and Ms. BONAMICI.
 H. Res. 476: Mr. WENSTRUP.
 H. Res. 522: Mr. HIMES.
 H. Res. 536: Mr. LONG, Mr. GIBBS, and Mr. ROKITA.
 H. Res. 543: Mr. LONG.
 H. Res. 587: Mr. CAPUANO, Mr. NADLER, and Mr. CONNOLLY.
 H. Res. 620: Mr. GRIMM.
 H. Res. 633: Ms. SINEMA.
 H. Res. 644: Mr. CAMPBELL, Mr. SAM JOHNSON of Texas, and Mr. CRAMER.
 H. Res. 679: Mr. KING of New York.
 H. Res. 687: Mr. LABRADOR, Mr. MCCLINTOCK, Mr. COBLE, Mr. SMITH of Texas, Mr. COLLINS of Georgia, Mr. KING of Iowa, Mr. LONG, and Mr. JORDAN.
 H. Res. 689: Mr. CROWLEY, Mr. LEWIS, and Mr. CONYERS.
 H. Res. 690: Mr. ENYART and Mr. DUNCAN of Tennessee.
 H. Res. 692: Mr. WEBER of Texas, Mr. DUNCAN of South Carolina, Mr. ROGERS of Alabama, Mr. PALAZZO, Mr. POSEY, and Mr. WILIAMS.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. ROGERS OF KENTUCKY

H.R. 5230, making supplemental appropriations for the fiscal year ending September 30, 2014, and for other purposes, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

PETITIONS, ETC.

Under clause 3 of rule XII,

93. The SPEAKER presented a petition of the Governor of Arkansas, relative to a letter regarding the State Trade and Export Promotion (STEP); which was referred to the Committee on Small Business.